

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 24-0977.06 Jacob Baus x2173

HOUSE BILL 24-1448

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A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A MODERNIZED APPROACH TO**
102 **FUNDING PUBLIC EDUCATION, AND, IN CONNECTION THEREWITH,**
103 **MAKING AND REDUCING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates a new total program formula (new formula), which is used to determine each school district's (district) and institute charter school's annual total program amount to fund public education. With limited exception, the district or the institute charter school has the discretion to determine the budgeting and expending of its total program

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 3rd Reading
May 1, 2024

HOUSE
Amended 2nd Reading
April 30, 2024

money.

The new formula:

- Starts with a district's foundation funding, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment; then
- Adds the district's at-risk funding, which is determined by multiplying the statewide base per pupil funding by 25% and then multiplying that result by the district's at-risk pupil enrollment; then
- Adds the district's English language learning funding, which is determined by multiplying the statewide base per pupil funding by 25% and then multiplying that result by the district's English language learner pupil enrollment; then
- Adds the district's special education funding, which is determined by multiplying the statewide base per pupil funding by 25% and then multiplying that result by the district's special education pupil enrollment; then
- Adds the district's cost of living factor, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment, and then multiplying that result by the district's cost of living factor; then
- Adds the district's locale factor, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment, and then multiplying that result by the district's locale factor; then
- Adds the district's size factor, which is determined by multiplying the statewide base per pupil funding by the district's funded pupil count, excluding the district's extended high school pupil enrollment and the district's online pupil enrollment, and then multiplying that result by the district's size factor; then
- Adds the district's extended high school funding, which is determined by multiplying the district's extended high school pupil enrollment by an amount that increases by the same percentage that the statewide base per student funding increases; then
- Adds the district's online funding, which is determined by multiplying the district's online pupil enrollment by an

amount that increases by the same percentage that the statewide base per student funding increases.

Beginning in the 2030-31 state fiscal year, the new formula will determine each district's and institute charter school's annual total program amount.

For the 2025-26 state fiscal year through the 2029-30 state fiscal year, each district's and institute charter school's annual total program amount will be determined by calculating each district's and institute charter school's annual total program amount under the new formula and the expiring formula. During these state fiscal years, a district's or institute charter school's annual total program amount is the district's or institute charter school's calculation under the expiring formula, unless:

- For the 2025-26 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 18% of the difference between the amount calculated under the new formula and the expiring formula;
- For the 2026-27 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 34% of the difference between the amount calculated under the new formula and the expiring formula;
- For the 2027-28 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 50% of the difference between the amount calculated under the new formula and the expiring formula;
- For the 2028-29 state fiscal year, if the total program calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 66% of the difference between the amount calculated under the new formula and the expiring formula; and
- For the 2029-30 state fiscal year, if the total program

calculation under the new formula is greater than the total program calculation under the expiring formula, the district's or institute charter school's annual total program amount is the amount calculated under the expiring formula plus an amount equal to 82% of the difference between the amount calculated under the new formula and the expiring formula.

The bill repeals the expiring formula on July 1, 2030.

The bill makes amendments to conform with these changes and to repeal obsolete provisions within the "Public School Finance Act".

The bill requires the department of education to contract with third-party entities to conduct 2 studies and publish reports concerning weighted student budgeting and implementing a multiple count day method for determining pupil enrollment. The third-party entities are required to submit reports to the education committees of the house of representatives and the senate, and the governor, by June 30, 2025.

Under current law, there is the public school fund of the state (permanent school fund). The bill requires that:

- For the 2024-25 state fiscal year, the first \$11 million of interest and income earned on the deposit and investment of money in the permanent school fund (interest and income) is credited to the state public school fund, the next \$11 million of interest and income becomes part of the principal of the permanent school fund, and the remaining interest and income is credited to the restricted account of the public school capital construction assistance fund (assistance fund);
- For the 2025-26 state fiscal year, the first \$6 million of interest and income is credited to the state public school fund, the next \$6 million of interest and income becomes part of the principal of the permanent school fund, and the remaining interest and income is credited to the restricted account of the assistance fund; and
- For the 2026-27 state fiscal year, and state fiscal years thereafter, all interest and income is credited to the restricted account of the assistance fund.

The bill requires the state treasurer to allocate any money remaining in the state land board trust administration fund to pay for the services provided by the investment consultant hired by the public school investment board and for the reimbursement for travel and other necessary expenses incurred by the members of that board.

Under certain circumstances, the bill requires to be credited to the assistance fund:

- For the 2024-25 state fiscal year, the greater of \$10 million from proceeds received from certain resources from public

- school lands plus 50% of the gross amount of public school lands income other than interest or income, or \$40 million;
- For the 2025-26 state fiscal year, the greater of \$15 million from proceeds received from certain resources from public school lands plus 50% of the gross amount of public school lands income other than interest or income, or \$40 million; and
- For the 2026-27 state fiscal year, and each state fiscal year thereafter, the greater of \$21 million from proceeds received from certain resources from public school lands plus 50% of the gross amount of public school lands income other than interest or income, or \$40 million.

The bill credits an amount to the charter school facilities assistance account from the assistance fund.

The bill increases the total maximum amount of annual payments payable by the state during a state fiscal year under the terms of all outstanding financed purchase of an asset or certificate of participation agreements entered into by the state treasurer from \$125 million to \$150 million.

Current law dictates the distribution of proceeds received from certain resources from public school lands, of which, a certain amount is credited to the permanent school fund. The bill requires that:

- For the 2024-25 state fiscal year, the first \$10 million is credited to the assistance fund;
- For the 2025-26 state fiscal year, the first \$15 million is credited to the assistance fund; and
- For the 2026-27 state fiscal year, and each state fiscal year thereafter, the first \$21 million is credited to the assistance fund.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 22-54-101 as
3 follows:

4 **22-54-101. Short title.** ~~This article shall be known and may be~~
5 ~~cited as the "Public School Finance Act of 1994"~~ THE SHORT TITLE OF
6 THIS ARTICLE 54 IS THE "PUBLIC SCHOOL FINANCE ACT OF 2025".

7 **SECTION 2.** In Colorado Revised Statutes, **amend** 22-54-102 as
8 follows:

1 **22-54-102. Statewide applicability - intergovernmental**

2 **agreements - legislative declaration.** (1) The general assembly hereby
3 finds and declares that this ~~article~~ ARTICLE 54 is enacted in furtherance of
4 the general assembly's duty under section 2 of article IX of the state
5 constitution to provide for a thorough and uniform system of public
6 schools throughout the state; that a thorough and uniform system requires
7 that all school districts and institute charter schools operate under the
8 same finance formula; and that equity considerations dictate that all
9 districts and institute charter schools be subject to the expenditure and
10 maximum levy provisions of this ~~article~~ ARTICLE 54. Accordingly, the
11 provisions of this ~~article~~ ARTICLE 54 concerning the financing of public
12 schools ~~for budget years beginning on and after July 1, 1994, shall apply~~
13 to all school districts and institute charter schools organized under the
14 laws of this state.

15 (2) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
16 THAT:

17 (I) A THOROUGH AND UNIFORM SYSTEM OF PUBLIC EDUCATION
18 CREATES A LEARNING ENVIRONMENT IN WHICH ALL LEARNERS ARE
19 CIVICALLY ENGAGED; PHYSICALLY, SOCIALLY, AND EMOTIONALLY
20 HEALTHY; COMPETENT ACADEMIC SCHOLARS; AND, UPON GRADUATION,
21 READY TO CONTRIBUTE PRODUCTIVELY TO THE ECONOMY AND PREPARED
22 FOR A RAPIDLY CHANGING WORLD;

23 (II) A WORLD-CLASS PUBLIC EDUCATION LEARNING ENVIRONMENT
24 IS CRITICAL TO MEETING THE WORKFORCE DEMANDS FOR COLORADO'S
25 THRIVING AND DYNAMIC ECONOMY;

26 (III) THE CHANGING REALITIES OF COLORADO'S ECONOMY
27 DEMAND THAT STUDENTS BE AGILE LEARNERS ABLE TO CONTINUOUSLY

1 LEARN, ADAPT, AND SHIFT INTO NEW ROLES BY DEVELOPING CRITICAL
2 THINKING, COLLABORATION, AND PROBLEM-SOLVING SKILLS;

3 (IV) THE NEEDS OF THE STATE REQUIRE THAT ALL STUDENTS,
4 INCLUDING THOSE WHO ARE UNDERSERVED OR FACE SIGNIFICANT
5 CHALLENGES IN MEETING COLORADO'S GRADUATION GUIDELINES,
6 COMPLETE HIGH SCHOOL AND ARE READY FOR CAREER OR
7 POSTSECONDARY EDUCATION;

8 (V) COLORADO'S TOTAL PROGRAM FORMULA, PURSUANT TO
9 SECTION 22-54-104, DRASTICALLY UNDERFUNDS COLORADO'S MOST
10 HISTORICALLY UNDERSERVED STUDENTS, INCLUDING AT-RISK STUDENTS,
11 ENGLISH LANGUAGE LEARNERS, AND STUDENTS WITH SPECIAL NEEDS.
12 SINCE THE COVID-19 PANDEMIC, THE ACHIEVEMENT GAP BETWEEN THESE
13 STUDENTS AND THEIR PEERS HAS GROWN EXPONENTIALLY. RESEARCH
14 SHOWS THAT DIRECTING ADDITIONAL FUNDING TO THESE STUDENTS
15 BOLSTERS THEIR ACADEMIC OUTCOMES.

16 (VI) COLORADO'S TOTAL PROGRAM FORMULA, PURSUANT TO
17 SECTION 22-54-104, HAS NOT BEEN SIGNIFICANTLY UPDATED SINCE 1994.
18 AS THE GENERAL ASSEMBLY COMMITS TO FULLY BUYING DOWN THE
19 BUDGET STABILIZATION FACTOR, THERE IS AN OPPORTUNE MOMENT TO
20 MODERNIZE THE TOTAL PROGRAM FORMULA TO BETTER MEET THE NEEDS
21 OF STUDENTS, EDUCATORS, COMMUNITIES, AND SCHOOLS.

22 (VII) IN THE YEARS SINCE THIS ARTICLE 54 WAS ORIGINALLY
23 ENACTED IN 1994, CONSTITUTIONAL PROVISIONS, STATUTORY
24 REQUIREMENTS, PUBLIC EXPECTATIONS, AND STUDENT DEMOGRAPHICS
25 HAVE PLACED GREATER DEMANDS ON COLORADO'S PUBLIC EDUCATION
26 LEARNING ENVIRONMENT; AND

27 (VIII) CHALLENGES TO RECRUIT AND RETAIN EDUCATORS AND

1 SCHOOL LEADERS, AND IMPEDIMENTS TO BENEFICIAL INNOVATION,
2 CONTINUE TO THREATEN COLORADO'S PUBLIC EDUCATION LEARNING
3 ENVIRONMENT.

4 (b) TO PROVIDE EACH CHILD IN THIS STATE WITH A HIGH-QUALITY
5 PUBLIC EDUCATION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
6 COLORADO'S PUBLIC SCHOOL FINANCE FORMULA MUST BE REDESIGNED
7 AND MODERNIZED TO:

8 (I) PRIORITIZE EQUITY BY FOCUSING ON INDIVIDUAL STUDENT
9 NEEDS, INCLUDING PRIORITIZED FUNDING FOR STUDENTS EXPERIENCING
10 POVERTY, STUDENTS WITH SPECIAL EDUCATION NEEDS, AND STUDENTS
11 WHO ARE ENGLISH LANGUAGE LEARNERS;

12 (II) RECOGNIZE AND ADJUST FUNDING FOR DIFFERENCES AMONG
13 SCHOOL DISTRICTS AND PUBLIC SCHOOLS RELATED TO SIZE, REMOTENESS,
14 AND COST OF LIVING;

15 (III) PROMOTE GREATER UNDERSTANDING OF PUBLIC EDUCATION
16 FUNDING FOR POLICYMAKERS, EDUCATORS, COMMUNITY MEMBERS,
17 FAMILIES, AND STUDENTS BY CREATING TRANSPARENCY AND SIMPLICITY
18 IN THE SCHOOL FINANCE FORMULA CALCULATION; AND

19 (IV) RESPONSIBLY PHASE IN A NEW TOTAL PROGRAM FORMULA
20 OVER A PERIOD OF TIME SO THAT IT IS SUSTAINABLE, AND ALLOW SCHOOL
21 DISTRICTS AND SCHOOLS AN AMOUNT OF TIME NECESSARY TO ADJUST TO
22 THE PHASE-IN.

23 ~~(2)~~ (3) The general assembly hereby finds and declares that in
24 enacting this ~~article~~ ARTICLE 54 it has adopted a formula for the support
25 of schools; ~~for the 1994-95 budget year and budget years thereafter;~~
26 however, the adoption of ~~such~~ THE formula in no way ~~represents~~ IS a
27 commitment on the part of the general assembly concerning the level of

1 total funding for schools. ~~for the 1995-96 budget year or any budget year~~
2 ~~thereafter.~~

3 ~~(3)~~ (4) (a) ~~Nothing in this article shall be construed to~~ THIS
4 ARTICLE 54 DOES NOT prohibit local governments from cooperating with
5 school districts through intergovernmental agreements to fund, construct,
6 maintain, or manage capital construction projects or other facilities as set
7 forth in section 22-45-103 (1)(c)(I)(A) or (1)(c)(I)(D), including, but not
8 limited to, swimming pools, playgrounds, or ball fields, ~~as long as~~ IF
9 funding for ~~such~~ THE projects is provided solely from a source of local
10 government revenue that is otherwise authorized by law, except impact
11 fees or other similar development charges or fees.

12 (b) Notwithstanding ~~any provision of paragraph (a) of this~~
13 ~~subsection (3)~~ SUBSECTION (4)(a) OF THIS SECTION to the contrary,
14 ~~nothing in this subsection (3) shall be construed to~~ THIS SUBSECTION (4)
15 DOES NOT:

16 (I) Limit or restrict a county's power to require the reservation or
17 dedication of sites and land areas for schools or the payment of ~~moneys~~
18 MONEY in lieu thereof pursuant to section 30-28-133 (4)(a); ~~C.R.S. or to~~
19 ~~limit a local government's ability to accept and expend impact fees or~~
20 ~~other similar development charges or fees contributed voluntarily on or~~
21 ~~before December 31, 1997, to fund the capital projects of school districts~~
22 ~~according to the terms of agreements voluntarily entered into on or before~~
23 ~~June 4, 1996, between all affected parties; AND~~

24 (II) Repealed.

25 (III) Grant authority to local governments to require the
26 reservation or dedication of sites and land areas for schools or the
27 payment of ~~moneys in lieu thereof~~ MONEY; however, the prohibition on

1 impact fees or other similar development charges or fees contained in this
2 subsection (3) shall not be construed to SUBSECTION (4) DOES NOT restrict
3 the authority of any local government to require the reservation or
4 dedication of sites and land areas for schools or the payment of moneys
5 in lieu thereof if such MONEY IF THE local government otherwise has such
6 THE authority granted by law.

7 (4) ~~If the December 2015 revenue forecast prepared by the~~
8 ~~legislative council staff estimates that the amount of local property tax~~
9 ~~revenues that will be available to districts for the 2015-16 budget year~~
10 ~~will be greater than the amount estimated in the December 2014 revenue~~
11 ~~forecast, it is the intent of the general assembly, through the supplemental~~
12 ~~appropriations process during the 2016 regular legislative session, to~~
13 ~~maintain and not reduce state appropriations for school finance funding~~
14 ~~after consideration of other forecast changes, including changes in the~~
15 ~~number of pupils and at-risk pupils enrolled, the inflation rate, and the~~
16 ~~expected state education fund revenues.~~

17 (5) (a) ~~The general assembly finds that, due to the COVID-19~~
18 ~~pandemic beginning during the 2019-20 school year, Colorado's public~~
19 ~~education system has faced significant disruptions to the delivery of~~
20 ~~classroom instruction, student learning, and access to critically necessary~~
21 ~~nutritional, health, and social-emotional support services. Therefore, the~~
22 ~~general assembly finds that:~~

23 (I) ~~A world-class public education is critical to meeting the~~
24 ~~workforce demands for Colorado's economy;~~

25 (II) ~~The changing realities of Colorado's post-pandemic economy~~
26 ~~demand that students be agile learners able to continuously learn, adapt,~~
27 ~~and shift into new roles by developing critical thinking, collaboration, and~~

1 problem-solving skills; and

2 ~~(III) The needs of the state require that all students, including~~
3 ~~those who are underserved or face significant challenges in meeting~~
4 ~~Colorado's graduation guidelines, complete high school career and~~
5 ~~college ready.~~

6 ~~(b) To provide each child in this state with a high-quality public~~
7 ~~education, the general assembly declares that Colorado's public school~~
8 ~~finance formula must be redesigned and modernized to:~~

9 ~~(I) Prioritize equity, focusing on individual student needs by~~
10 ~~increasing the funding for students who are economically disadvantaged~~
11 ~~and students who are English language learners; and~~

12 ~~(II) Address the inequities in school district funding that arise~~
13 ~~from the dramatic differences in local property wealth and mill levy~~
14 ~~overrides.~~

15 ~~(c) Further, the general assembly declares that, because English~~
16 ~~language learner funding will now be included in the school finance~~
17 ~~formula, it is appropriate to fund this inclusion by redirecting to the state~~
18 ~~share of total program the amount previously appropriated for the~~
19 ~~professional development and student support program created in section~~
20 ~~22-24-108. The general assembly further declares that the remaining costs~~
21 ~~of the school finance formula changes are offset by the savings to the~~
22 ~~state share of total program that occur as a result of correcting the~~
23 ~~unauthorized reductions in district property tax mill levies as provided in~~
24 ~~section 22-54-106 (2.1).~~

25 **SECTION 3.** In Colorado Revised Statutes, 22-54-103, **amend**
26 (1.3), (6), (6.5), (8.5)(a)(II), (8.5)(b), (10)(a)(II), (10)(a)(III.5), (10)(a)(V),
27 (10)(b)(I) introductory portion, (10)(d), (10)(f), (10)(h)(I) introductory

1 portion, (10.5)(b), (14), and (15); **repeal** (1.5)(a)(V), (1.5)(b),
2 (1.5)(c)(II)(A), (5.5)(a), (7), and (10)(g); and **add** (10.7) as follows:

3 **22-54-103. Definitions.** As used in this article 54, unless the
4 context otherwise requires:

5 (1.3) "Accounting district" means the ~~school~~ district within whose
6 geographic boundaries an institute charter school is physically located.

7 (1.5) (a) "At-risk pupils" means:

8 (V) ~~For the 2005-06 budget year through the 2020-21 budget year,~~
9 ~~the number of district pupils who are English language learners plus the~~
10 ~~greater of:~~

11 ~~(A) The number of district pupils eligible for free lunch; or~~

12 ~~(B) The number of pupils calculated in accordance with the~~
13 ~~following formula:~~

14 ~~District percentage of pupils eligible for free lunch x District pupil~~
15 ~~enrollment.~~

16 (b) For purposes of subsection (1.5)(a)(V) of this section:

17 (I) ~~"District percentage of pupils eligible for free lunch" means the~~
18 ~~district pupils eligible for free lunch in grades one through eight divided~~
19 ~~by the district pupil enrollment in grades one through eight.~~

20 (II) ~~"District pupil enrollment" means the pupil enrollment of the~~
21 ~~district, as determined in accordance with subsection (10) of this section,~~
22 ~~minus the number of pupils enrolled in the Colorado preschool program~~
23 ~~pursuant to article 28 of this title 22 and the number of three-year-old or~~
24 ~~four-year-old pupils with disabilities receiving educational programs~~
25 ~~pursuant to article 20 of this title 22.~~

26 (III) ~~"District pupils eligible for free lunch" means the number of~~
27 ~~pupils included in the district pupil enrollment who are eligible for free~~

1 ~~lunch pursuant to the provisions of the federal "Richard B. Russell~~
2 ~~National School Lunch Act", 42 U.S.C. sec. 1751 et seq.~~

3 ~~(IV) "District pupils who are English language learners" means~~
4 ~~the number of pupils included in the district pupil enrollment for the~~
5 ~~preceding budget year who were not eligible for free lunch pursuant to the~~
6 ~~provisions of the federal "Richard B. Russell National School Lunch~~
7 ~~Act", 42 U.S.C. sec. 1751 et seq., and who are English language learners,~~
8 ~~as defined in section 22-24-103 (4), and:~~

9 ~~(A) Whose scores were not included in calculating school~~
10 ~~academic performance grades as provided in section 22-7-1006.3; or~~

11 ~~(B) Who took an assessment administered pursuant to section~~
12 ~~22-7-1006.3 in a language other than English.~~

13 ~~(c) For purposes of subsection (1.5)(a)(VI) of this section:~~

14 ~~(II) (A) "District pupil enrollment" means, for the 2021-22 and~~
15 ~~2022-23 budget years, the pupil enrollment of the district, as determined~~
16 ~~in accordance with subsection (10) of this section, minus the number of~~
17 ~~pupils enrolled in the Colorado preschool program pursuant to article 28~~
18 ~~of this title 22 and the number of three-year-old or four-year-old pupils~~
19 ~~with disabilities receiving educational programs pursuant to article 20 of~~
20 ~~this title 22.~~

21 ~~(5.5) (a) "District percentage of at-risk pupils" means, for budget~~
22 ~~years commencing prior to July 1, 2023, the number of at-risk pupils in~~
23 ~~the district, as determined in accordance with subsection (1.5) of this~~
24 ~~section, divided by the pupil enrollment of the district, as determined in~~
25 ~~accordance with subsection (10) of this section; except that pupil~~
26 ~~enrollment does not include the number of pupils enrolled in the Colorado~~
27 ~~preschool program pursuant to article 28 of this title 22, as it exists prior~~

1 to July 1, 2023, and the number of three-year-old or four-year-old pupils
2 with disabilities receiving educational programs pursuant to article 20 of
3 this title 22.

4 (6) ~~"District's total program" means the funding for a district, as~~
5 ~~determined pursuant to section 22-54-104 or section 22-54-104.3,~~
6 ~~whichever is applicable, which represents the financial base of support for~~
7 ~~public education in that district. "DISTRICT TOTAL PROGRAM" OR~~
8 ~~"DISTRICT'S TOTAL PROGRAM" MEANS A DISTRICT'S FUNDING, AS~~
9 ~~DETERMINED PURSUANT TO THIS ARTICLE 54, WHICH IS THE FINANCIAL~~
10 ~~BASE OF SUPPORT FOR PUBLIC EDUCATION IN THAT DISTRICT.~~

11 (6.5) "English language learner pupils" means the number of
12 district pupils who are English language learners, as defined in section
13 22-24-103 (4), and for whom the district ~~received~~ RECEIVES funding FOR
14 THE APPLICABLE BUDGET YEAR pursuant to section 22-24-104 (3)(b)(I).

15 (7) ~~"Funded pupil count" means:~~

16 (a) ~~For budget years commencing prior to July 1, 2002, the greater~~
17 ~~of:~~

18 (I) ~~The district's pupil enrollment for the applicable budget year;~~
19 ~~or~~

20 (II) ~~The average of the district's pupil enrollment for the~~
21 ~~applicable budget year and the district's pupil enrollment for the~~
22 ~~immediately preceding budget year; or~~

23 (III) ~~The average of the district's pupil enrollment for the~~
24 ~~applicable budget year and the district's pupil enrollment for the two~~
25 ~~immediately preceding budget years; or~~

26 (IV) ~~The average of the district's pupil enrollment for the~~
27 ~~applicable budget year and the district's pupil enrollment for the three~~

1 immediately preceding budget years;

2 ~~(b) (I) For the budget year commencing on July 1, 2002, the~~
3 ~~district's online pupil enrollment for the applicable budget year plus the~~
4 ~~greater of:~~

5 ~~(A) The district's pupil enrollment for the applicable budget year;~~
6 ~~or~~

7 ~~(B) The average of the district's pupil enrollment for the~~
8 ~~applicable budget year and the district's pupil enrollment for the~~
9 ~~immediately preceding budget year; or~~

10 ~~(C) The average of the district's pupil enrollment for the~~
11 ~~applicable budget year and the district's pupil enrollment for the two~~
12 ~~immediately preceding budget years; or~~

13 ~~(D) The average of the district's pupil enrollment for the~~
14 ~~applicable budget year and the district's pupil enrollment for the three~~
15 ~~immediately preceding budget years.~~

16 ~~(H) Repealed.~~

17 ~~(c) (I) For budget years commencing on and after July 1, 2003, but~~
18 ~~prior to July 1, 2008, the district's online pupil enrollment for the~~
19 ~~applicable budget year plus the district's preschool and kindergarten~~
20 ~~program enrollment for the applicable budget year plus the greater of:~~

21 ~~(A) The district's pupil enrollment for the applicable budget year;~~
22 ~~or~~

23 ~~(B) The average of the district's pupil enrollment for the~~
24 ~~applicable budget year and the district's pupil enrollment for the~~
25 ~~immediately preceding budget year; or~~

26 ~~(C) The average of the district's pupil enrollment for the~~
27 ~~applicable budget year and the district's pupil enrollment for the two~~

1 immediately preceding budget years; or

2 ~~(D) The average of the district's pupil enrollment for the~~
3 ~~applicable budget year and the district's pupil enrollment for the three~~
4 ~~immediately preceding budget years.~~

5 ~~(H) and (I) Repealed.~~

6 ~~(IV) Notwithstanding any provision of law to the contrary, for~~
7 ~~purposes of subparagraph (I) of this paragraph (c) for budget years~~
8 ~~beginning on or after July 1, 2004, a district's funded pupil count shall~~
9 ~~include the certified pupil enrollment and online pupil enrollment of each~~
10 ~~operating institute charter school for which the district is the accounting~~
11 ~~district. The department of education shall add the institute charter~~
12 ~~school's certified pupil enrollment and online pupil enrollment to the~~
13 ~~funded pupil count of the district prior to calculating the district's total~~
14 ~~program pursuant to section 22-54-104.~~

15 ~~(d) (I) For budget years commencing on and after July 1, 2008,~~
16 ~~but prior to July 1, 2009, the district's online pupil enrollment for the~~
17 ~~applicable budget year plus the district's preschool program enrollment~~
18 ~~for the applicable budget year plus the district's supplemental~~
19 ~~kindergarten enrollment for the applicable budget year plus the greater of:~~

20 ~~(A) The district's pupil enrollment for the applicable budget year;~~
21 ~~or~~

22 ~~(B) The average of the district's pupil enrollment for the~~
23 ~~applicable budget year and the district's pupil enrollment for the~~
24 ~~immediately preceding budget year; or~~

25 ~~(C) The average of the district's pupil enrollment for the~~
26 ~~applicable budget year and the district's pupil enrollment for the two~~
27 ~~immediately preceding budget years; or~~

1 ~~(D) The average of the district's pupil enrollment for the~~
2 ~~applicable budget year and the district's pupil enrollment for the three~~
3 ~~immediately preceding budget years; or~~

4 ~~(E) The average of the district's pupil enrollment for the~~
5 ~~applicable budget year and the district's pupil enrollment for the four~~
6 ~~immediately preceding budget years.~~

7 ~~(H) Notwithstanding any provision of law to the contrary, for~~
8 ~~purposes of subparagraph (I) of this paragraph (d), a district's funded~~
9 ~~pupil count shall include the certified pupil enrollment and online pupil~~
10 ~~enrollment of each operating institute charter school for which the district~~
11 ~~is the accounting district. The department of education shall add the~~
12 ~~institute charter school's certified pupil enrollment and online pupil~~
13 ~~enrollment to the funded pupil count of the district prior to calculating the~~
14 ~~district's total program pursuant to section 22-54-104.~~

15 ~~(H) Repealed.~~

16 ~~(IV) The general assembly hereby finds and declares that for the~~
17 ~~purposes of section 17 of article IX of the state constitution, averaging a~~
18 ~~district's pupil enrollment for the applicable budget year and the district's~~
19 ~~pupil enrollment for the four immediately preceding budget years~~
20 ~~pursuant to sub-subparagraph (E) of subparagraph (I) of this paragraph~~
21 ~~(d) is a program for accountable education reform and may therefore~~
22 ~~receive funding from the state education fund created in section 17(4) of~~
23 ~~article IX of the state constitution.~~

24 ~~(e)(I) For budget years commencing on and after July 1, 2009, but~~
25 ~~prior to July 1, 2023, the district's online pupil enrollment for the~~
26 ~~applicable budget year plus the district's preschool program enrollment~~
27 ~~for the applicable budget year plus the district's supplemental~~

1 kindergarten enrollment for the applicable budget year plus the district's
2 extended high school pupil enrollment for the applicable budget year, plus
3 the greater of:

4 (A) ~~The district's pupil enrollment for the applicable budget year;~~
5 or

6 (B) ~~The average of the district's pupil enrollment for the~~
7 ~~applicable budget year and the district's pupil enrollment for the~~
8 ~~immediately preceding budget year; or~~

9 (C) ~~The average of the district's pupil enrollment for the~~
10 ~~applicable budget year and the district's pupil enrollment for the two~~
11 ~~immediately preceding budget years; or~~

12 (D) ~~The average of the district's pupil enrollment for the~~
13 ~~applicable budget year and the district's pupil enrollment for the three~~
14 ~~immediately preceding budget years; or~~

15 (E) ~~The average of the district's pupil enrollment for the~~
16 ~~applicable budget year and the district's pupil enrollment for the four~~
17 ~~immediately preceding budget years.~~

18 (H) ~~Notwithstanding any provision of law to the contrary, for~~
19 ~~purposes of subparagraph (I) of this paragraph (c), a district's funded~~
20 ~~pupil count shall include the certified pupil enrollment and online pupil~~
21 ~~enrollment of each operating institute charter school for which the district~~
22 ~~is the accounting district. The department of education shall add the~~
23 ~~institute charter school's certified pupil enrollment and online pupil~~
24 ~~enrollment to the funded pupil count of the district prior to calculating the~~
25 ~~district's total program pursuant to section 22-54-104.~~

26 (III) ~~Repealed.~~

27 (IV) ~~The general assembly hereby finds and declares that for the~~

1 purposes of section 17 of article IX of the state constitution, averaging a
2 district's pupil enrollment for the applicable budget year and the district's
3 pupil enrollment for the four immediately preceding budget years
4 pursuant to sub-subparagraph (E) of subparagraph (I) of this paragraph
5 (e) is a program for accountable education reform and may therefore
6 receive funding from the state education fund created in section 17 (4) of
7 article IX of the state constitution:

8 (V) Notwithstanding any provision of law to the contrary, for the
9 2010-11 budget year and each budget year thereafter, for the purposes of
10 this paragraph (e), a district's pupil enrollment for the applicable budget
11 year and a district's pupil enrollment for any preceding budget year shall
12 not include any pupil who is or was enrolled in a charter school that was
13 originally authorized by the district but was subsequently converted, on
14 or after July 1, 2010, to an institute charter school or to a charter school
15 of a district contiguous to the originally authorizing district.

16 (VI) Notwithstanding any provision of this paragraph (e) to the
17 contrary, for the 2013-14 budget year and each budget year thereafter, for
18 the purposes of this subsection (7), if a district's funded pupil count
19 calculated pursuant to this subsection (7) for a budget year is fewer than
20 fifty pupils, the district's funded pupil count for the budget year is fifty
21 pupils:

22 (VII) For the 2019-20 budget year and each budget year
23 thereafter, solely for the purpose of averaging pupil enrollment pursuant
24 to subsection (7)(e)(I) of this section for a district that operates a full-day
25 kindergarten educational program, the department of education shall
26 adjust the district's pupil enrollments for the 2018-19, 2017-18, 2016-17,
27 and 2015-16 budget years by counting each pupil enrolled in a full-day

1 ~~kindergarten educational program in one of those budget years as a~~
2 ~~full-time student. The adjustment to pupil enrollment made pursuant to~~
3 ~~this subsection (7)(e)(VII) does not affect or change the funded pupil~~
4 ~~count used to calculate a district's fiscal year spending limitation pursuant~~
5 ~~to section 20 of article X of the state constitution for a budget year~~
6 ~~commencing before July 1, 2019.~~

7 ~~(f)(I) For budget years commencing on and after July 1, 2023, the~~
8 ~~district's online pupil enrollment for the applicable budget year plus the~~
9 ~~district's supplemental kindergarten enrollment for the applicable budget~~
10 ~~year plus the district's extended high school pupil enrollment for the~~
11 ~~applicable budget year, plus the greater of:~~

12 ~~(A) The district's pupil enrollment for the applicable budget year;~~
13 ~~or~~

14 ~~(B) The average of the district's pupil enrollment for the~~
15 ~~applicable budget year and the district's pupil enrollment for the~~
16 ~~immediately preceding budget year; or~~

17 ~~(C) The average of the district's pupil enrollment for the~~
18 ~~applicable budget year and the district's pupil enrollment for the two~~
19 ~~immediately preceding budget years; or~~

20 ~~(D) The average of the district's pupil enrollment for the~~
21 ~~applicable budget year and the district's pupil enrollment for the three~~
22 ~~immediately preceding budget years; or~~

23 ~~(E) The average of the district's pupil enrollment for the~~
24 ~~applicable budget year and the district's pupil enrollment for the four~~
25 ~~immediately preceding budget years.~~

26 ~~(H) Notwithstanding any provision of law to the contrary, for~~
27 ~~purposes of subsection (7)(f)(I) of this section, a district's funded pupil~~

1 count includes the certified pupil enrollment and online pupil enrollment
2 of each operating institute charter school for which the district is the
3 accounting district, as provided pursuant to subsections (7)(f)(H.5) and
4 (7)(f)(H.6) of this section. The department of education shall add the
5 institute charter school's certified pupil enrollment and online pupil
6 enrollment to the funded pupil count of the district prior to calculating the
7 district's total program pursuant to section 22-54-104.

8 (H.5) For purposes of subsection (7)(f)(H) of this section, each
9 operating institute charter school's certified pupil enrollment is the greater
10 of:

11 (A) The operating institute charter school's pupil enrollment for
12 the applicable budget year;

13 (B) The average of the operating institute charter school's pupil
14 enrollment for the applicable budget year and the operating institute
15 charter school's pupil enrollment for the immediately preceding budget
16 year;

17 (C) The average of the operating institute charter school's pupil
18 enrollment for the applicable budget year and the operating institute
19 charter school's pupil enrollment for the two immediately preceding
20 budget years;

21 (D) The average of the operating institute charter school's pupil
22 enrollment for the applicable budget year and the operating institute
23 charter school's pupil enrollment for the three immediately preceding
24 budget years; or

25 (E) The average of the operating institute charter school's pupil
26 enrollment for the applicable budget year and the operating institute
27 charter school's pupil enrollment for the four immediately preceding

1 budget years:

2 ~~(H.6) Notwithstanding any provision of law to the contrary, for~~
3 ~~purposes of subsection (7)(f)(H.5) of this section, an operating institute~~
4 ~~charter school's pupil enrollment includes its online pupil enrollment,~~
5 ~~except for multi-district online school pupil enrollment.~~

6 ~~(HH) The general assembly finds and declares that for the purposes~~
7 ~~of section 17 of article IX of the state constitution, averaging a district's~~
8 ~~pupil enrollment for the applicable budget year and the district's pupil~~
9 ~~enrollment for the four immediately preceding budget years pursuant to~~
10 ~~subsection (7)(f)(I)(E) of this section, and the averaging of an operating~~
11 ~~institute charter school's pupil enrollment and online pupil enrollment~~
12 ~~pursuant to subsections (7)(f)(H.5) and (7)(f)(H.6), is a program for~~
13 ~~accountable education reform and may therefore receive funding from the~~
14 ~~state education fund created in section 17 (4) of article IX of the state~~
15 ~~constitution.~~

16 ~~(IV) Notwithstanding any provision of law to the contrary, for the~~
17 ~~2010-11 budget year and each budget year thereafter, for the purposes of~~
18 ~~this subsection (7)(f), a district's pupil enrollment for the applicable~~
19 ~~budget year and a district's pupil enrollment for any preceding budget~~
20 ~~year do not include any pupil who is or was enrolled in a charter school~~
21 ~~that was originally authorized by the district but was subsequently~~
22 ~~converted, on or after July 1, 2010, to an institute charter school or to a~~
23 ~~charter school of a district contiguous to the originally authorizing~~
24 ~~district.~~

25 ~~(V) Notwithstanding any provision of this subsection (7)(f) to the~~
26 ~~contrary, for the 2013-14 budget year and each budget year thereafter, for~~
27 ~~the purposes of this subsection (7), if a district's funded pupil count~~

1 calculated pursuant to this subsection (7) for a budget year is fewer than
2 fifty pupils, the district's funded pupil count for the budget year is fifty
3 pupils.

4 (VI) For the 2019-20 budget year and each budget year thereafter,
5 solely for the purpose of averaging pupil enrollment pursuant to
6 subsection (7)(f)(I) of this section for a district that operates a full-day
7 kindergarten educational program, the department of education shall
8 adjust the district's pupil enrollments for the 2018-19, 2017-18, 2016-17,
9 and 2015-16 budget years by counting each pupil enrolled in a full-day
10 kindergarten educational program in one of those budget years as a
11 full-time student. The adjustment to pupil enrollment made pursuant to
12 this subsection (7)(f)(VI) does not affect or change the funded pupil count
13 used to calculate a district's fiscal year spending limitation pursuant to
14 section 20 of article X of the state constitution for a budget year
15 commencing before July 1, 2019.

16 (8.5) (a) "Online pupil enrollment" means:

17 (II) For the 2008-09 budget year, and for budget years thereafter,
18 The number of pupils, on the pupil enrollment count day within the
19 applicable budget year, enrolled in, attending, and actively participating
20 in a multi-district online school, as defined in section 22-30.7-102 (6),
21 created pursuant to article 30.7 of this title TITLE 22.

22 (b) For budget years beginning on or after July 1, 2004, A
23 district's online pupil enrollment shall include INCLUDES the certified
24 online pupil enrollment of each operating institute charter school for
25 which the district is the accounting district. The department of education
26 shall add the institute charter school's certified online pupil enrollment to
27 the online pupil enrollment of the district prior to calculating the district's

1 total program. ~~pursuant to section 22-54-104.~~

2 (10) (a) (II) "Pupil enrollment" ~~shall include~~ INCLUDES:

3 (A) ~~For the 2007-08 budget year, a pupil who was enrolled during~~
4 ~~the 2001-02 school year in an online program authorized pursuant to~~
5 ~~section 22-33-104.6, as it existed prior to July 1, 2007, and who is~~
6 ~~enrolled and participates in any such online program on October 1 within~~
7 ~~the applicable budget year or the school day nearest said date.~~

8 (B) ~~For the 2008-09 budget year, and for budget years thereafter,~~
9 A pupil who is enrolled in, attending, and actively participating in a
10 single-district online program or online school operated pursuant to
11 article 30.7 of this ~~title~~ TITLE 22.

12 (III.5) ~~For the 2009-10 budget year and budget years thereafter,~~
13 ~~"pupil enrollment" shall include~~ "PUPIL ENROLLMENT" INCLUDES any
14 juvenile to whom the school district is providing educational services
15 pursuant to section 22-32-141 as of the pupil enrollment count day of the
16 applicable budget year.

17 (V) ~~Notwithstanding the provisions of this paragraph (a), for the~~
18 ~~2008-09 budget year and each budget year thereafter, "pupil enrollment"~~
19 ~~shall not~~ "PUPIL ENROLLMENT" DOES NOT include a pupil who is placed
20 in a facility, as defined in section 22-2-402 (3), and is receiving services
21 through an approved facility school, as defined in section 22-2-402 (1).

22 (b) (I) ~~For budget years commencing before the 2019-20 budget~~
23 ~~year, a pupil enrolled in a kindergarten educational program pursuant to~~
24 ~~section 22-32-119 (1) is counted as not more than a half-day pupil. For~~
25 ~~the 2019-20 budget year and each budget year thereafter,~~ A pupil WHO IS
26 enrolled in a kindergarten educational program pursuant to section
27 22-32-119 is counted as a full-time pupil, except as otherwise provided

1 in subsection (10)(e.5)(I) of this section. ~~For the 2005-06 budget year and~~
2 ~~each budget year thereafter,~~ A district shall count and receive funding
3 only for pupils enrolled in a kindergarten educational program who are:

4 (d) (I) ~~For budget years commencing prior to July 1, 2023, a three-~~
5 ~~or four-year-old pupil with a disability receiving an educational program~~
6 ~~under the "Exceptional Children's Educational Act", article 20 of this title,~~
7 ~~shall be counted as a half-day pupil.~~

8 (II) ~~Notwithstanding any provision of this subsection (10) to the~~
9 ~~contrary, for budget years commencing on or after July 1, 2005, but prior~~
10 ~~to July 1, 2023, a district may choose to determine the number of three-~~
11 ~~and four-year-old pupils with disabilities enrolled and receiving~~
12 ~~educational programs under the "Exceptional Children's Educational~~
13 ~~Act", article 20 of this title 22, as of November 1 within the applicable~~
14 ~~budget year or the school date nearest said date, rather than on the pupil~~
15 ~~enrollment count day, as evidenced by the actual attendance of such~~
16 ~~pupils on November 1 or the school date nearest said date. The "pupil~~
17 ~~enrollment" of the district must include the number of pupils so enrolled~~
18 ~~who are counted as half-day pupils.~~

19 (III) ~~For the 2023-24 budget year and budget years thereafter,~~ A
20 district shall not include a three- or four-year-old pupil with a disability
21 who is receiving an educational program under the "Exceptional
22 Children's Educational Act", article 20 of this title 22, but is not enrolled
23 in kindergarten, in the district's pupil enrollment, but shall certify to the
24 department the number of ~~said~~ three- and four-year-old pupils with
25 disabilities who are receiving an educational program from the district for
26 purposes of receiving funding pursuant to part 1 of article 20 of this title
27 22.

1 (f) (I) ~~For budget years commencing before July 1, 2023, in~~
2 ~~certifying the district's pupil enrollment to the state board pursuant to the~~
3 ~~provisions of section 22-54-112, the district shall specify the number of~~
4 ~~pupils enrolled in kindergarten through twelfth grade, specifying those~~
5 ~~who are enrolled as full-time pupils and those who are enrolled as less~~
6 ~~than full-time pupils; the number of expelled pupils receiving educational~~
7 ~~services pursuant to section 22-33-203; the number of pupils enrolled in~~
8 ~~the district's preschool program; the number of pupils receiving~~
9 ~~educational programs under the "Exceptional Children's Educational~~
10 ~~Act", article 20 of this title 22; the number of at-risk pupils; and the~~
11 ~~number of English language learner pupils.~~

12 (II) ~~For the 2023-24 budget year and each budget year thereafter,~~
13 ~~In certifying the district's pupil enrollment to the state board pursuant to~~
14 ~~the provisions of section 22-54-112, the district shall specify the number~~
15 ~~of pupils enrolled in kindergarten through twelfth grade, specifying those~~
16 ~~who are enrolled as full-time pupils and those who are enrolled as less~~
17 ~~than full-time pupils; the number of expelled pupils receiving educational~~
18 ~~services pursuant to section 22-33-203; the number of at-risk pupils; the~~
19 ~~number of English language learner pupils; and the number of pupils~~
20 ~~receiving educational programs under the "Exceptional Children's~~
21 ~~Educational Act", article 20 of this title 22, who are enrolled in~~
22 ~~kindergarten through twelfth grade.~~

23 (g) ~~For the 2018-19 and 2019-20 budget years, a district may~~
24 ~~include in its pupil enrollment pupils who are enrolled in a school that~~
25 ~~was designated pursuant to section 22-35-103 (10) as an early college~~
26 ~~before June 6, 2018, and who, after completing four years of high school,~~
27 ~~enroll for the 2018-19 or 2019-20 budget years in postsecondary courses.~~

1 (h) (I) ~~For the 2019-20 budget year and each budget year~~
2 ~~thereafter~~, With regard to a pupil who is simultaneously enrolled in a
3 district or institute charter school and in one or more postsecondary
4 courses, a district or institute charter school must submit evidence of:

5 (10.5) (b) ~~On or before July 1, 2012~~, The state board shall
6 promulgate rules establishing the meaning of "major religious holiday"
7 for the purposes of this subsection (10.5).

8 (10.7) "SPECIAL EDUCATION PUPILS" MEANS THE NUMBER OF
9 DISTRICT PUPILS WHO ARE CHILDREN WITH DISABILITIES, AS DEFINED IN
10 SECTION 22-20-103 (5).

11 (14) (a) ~~"Statewide average percentage of at-risk pupils" means,~~
12 ~~for budget years commencing prior to July 1, 2023, the total number of~~
13 ~~at-risk pupils in all districts, as determined in accordance with subsection~~
14 ~~(1.5) of this section, divided by the pupil enrollment of all districts, as~~
15 ~~determined in accordance with subsection (10) of this section; except that~~
16 ~~pupil enrollment does not include the number of pupils enrolled in the~~
17 ~~Colorado preschool program pursuant to article 28 of this title and the~~
18 ~~number of three-year-old or four-year-old pupils with disabilities~~
19 ~~receiving educational programs pursuant to article 20 of this title.~~

20 (b) "Statewide average percentage of at-risk pupils" means ~~for the~~
21 ~~2023 budget year and each budget year thereafter~~, the total number of
22 at-risk pupils in all districts, as determined in accordance with subsection
23 (1.5) of this section, divided by the pupil enrollment of all districts, as
24 determined in accordance with subsection (10) of this section.

25 (15) "Supplemental kindergarten enrollment" means the number
26 calculated by subtracting five-tenths from the full-day kindergarten factor
27 for the applicable budget year and then multiplying that number by the

1 number of pupils in the district who are enrolled part-time in a
2 kindergarten educational program for the applicable budget year. For the
3 purposes of this subsection (15), the full-day kindergarten factor ~~for the~~
4 ~~2008-09 budget year and each budget year thereafter~~ is fifty-eight
5 hundredths of a full-day pupil.

6 **SECTION 4.** In Colorado Revised Statutes, **add** 22-54-103.1 as
7 follows:

8 **22-54-103.1. Protection of student data.** NOTWITHSTANDING
9 ANY PROVISION OF THIS ARTICLE 54, THE DEPARTMENT OF EDUCATION,
10 THE STATE CHARTER SCHOOL INSTITUTE, AND EACH SCHOOL DISTRICT AND
11 PUBLIC SCHOOL SHALL COMPLY WITH ALL FEDERAL AND STATE LAWS
12 REGARDING THE PROTECTION OF STUDENT DATA, INCLUDING THE FEDERAL
13 "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C.
14 SEC. 1232g, AS AMENDED, AND ALL REGULATIONS AND GUIDELINES
15 ADOPTED PURSUANT TO IT, AND THE "STUDENT DATA TRANSPARENCY
16 AND SECURITY ACT", ARTICLE 16 OF THIS TITLE 22, AND ANY RULES
17 PROMULGATED PURSUANT TO IT. AT A MINIMUM, THIS INCLUDES
18 REDACTING INFORMATION AS REQUIRED TO COMPLY WITH FEDERAL AND
19 STATE LAWS REGARDING THE PROTECTION OF STUDENT DATA IN
20 PUBLISHED DOCUMENTS OR REPORTS REGARDING FUNDING PURSUANT TO
21 THIS ARTICLE 54.

22 **SECTION 5.** In Colorado Revised Statutes, **add** 22-54-103.2 as
23 follows:

24 **22-54-103.2. District total program formula report.**
25 (1) BEGINNING JANUARY 2026, AND EACH JANUARY THEREAFTER, THE
26 DEPARTMENT OF EDUCATION SHALL REPORT, AT A MINIMUM, THE
27 INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO THE

1 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
2 SENATE, OR THEIR SUCCESSOR COMMITTEES, AS PART OF THE "SMART
3 ACT" PRESENTATION REQUIRED PURSUANT TO PART 2 OF ARTICLE 7 OF
4 TITLE 2.

5 (2) IN ITS REPORT DESCRIBED PURSUANT TO SUBSECTION (1) OF
6 THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL REPORT, AT A
7 MINIMUM, DATA DEMONSTRATING:

8 (A) THE SUCCESSES AND CHALLENGES OF DETERMINING A
9 DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-103.3 FOR
10 REPORTS CONCERNING THE 2025-26 BUDGET YEAR THROUGH THE 2029-30
11 BUDGET YEAR, AND THE SUCCESSES AND CHALLENGES OF DETERMINING A
12 DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-103.5 FOR
13 REPORTS CONCERNING THE 2030-31 BUDGET YEAR AND EACH BUDGET
14 YEAR THEREAFTER;

15 (b) HOW DISTRICT TOTAL PROGRAM, DETERMINED PURSUANT TO
16 SECTION 22-54-103.3 FOR REPORTS CONCERNING THE 2025-26 BUDGET
17 YEAR THROUGH THE 2029-30 BUDGET YEAR AND DETERMINED PURSUANT
18 TO SECTION 22-54-103.5 FOR REPORTS CONCERNING THE 2030-31 BUDGET
19 YEAR AND EACH BUDGET YEAR THEREAFTER, IS BEING USED AT THE
20 SCHOOL LEVEL, INCLUDING TRADITIONAL PUBLIC SCHOOLS, DISTRICT
21 CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS, AND INFORMATION
22 CURRENTLY REPORTED BY THE DEPARTMENT OF EDUCATION IN DISTRICT
23 PERFORMANCE SNAPSHOTS; AND

24 (c) TRENDS AND CHALLENGES WITH DECLINING PUPIL
25 ENROLLMENT, INFLUXES OF NEW ARRIVAL STUDENTS, AND STUDENTS WHO
26 ENROLL IN OR DISENROLL FROM ANY PUBLIC SCHOOL, INCLUDING CHARTER
27 SCHOOLS.

1 (3) AT A MINIMUM, THE DATA DESCRIBED IN SUBSECTION (2) OF
2 THIS SECTION MUST INCLUDE:

3 (a) THE STATEWIDE AVERAGE AMOUNT OF PER PUPIL REVENUE FOR
4 AN AT-RISK PUPIL;

5 (b) THE STATEWIDE AVERAGE AMOUNT OF PER PUPIL REVENUE FOR
6 AN ENGLISH LANGUAGE LEARNER PUPIL;

7 (c) THE STATEWIDE AVERAGE AMOUNT OF PER PUPIL REVENUE FOR
8 A SPECIAL EDUCATION PUPIL;

9 (d) THE DISTRICT AVERAGE AMOUNT OF PER PUPIL REVENUE FOR
10 AN AT-RISK PUPIL;

11 (e) THE DISTRICT AVERAGE AMOUNT OF PER PUPIL REVENUE FOR
12 AN ENGLISH LANGUAGE LEARNER PUPIL;

13 (f) THE DISTRICT AVERAGE AMOUNT OF PER PUPIL REVENUE FOR A
14 SPECIAL EDUCATION PUPIL;

15 (g) THE PER PUPIL REVENUE FOR EACH PUBLIC SCHOOL IN THE
16 DISTRICT; AND

17 (h) THE PROJECTED SHARE OF PER PUPIL REVENUE FOR EACH
18 PUBLIC SCHOOL IN THE DISTRICT, BASED ON ENROLLMENT.

19 (4) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
20 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
21 SECTION CONTINUES INDEFINITELY.

22 **SECTION 6.** In Colorado Revised Statutes, **add** 22-54-103.3 as
23 follows:

24 **22-54-103.3. District total program - 2025-26 through 2029-30**
25 **budget years - definitions - repeal.** (1) (a) NOTWITHSTANDING ANY
26 PROVISION OF LAW TO THE CONTRARY, FOR THE 2025-26 BUDGET YEAR
27 THROUGH THE 2029-30 BUDGET YEAR, THE DEPARTMENT OF EDUCATION

1 SHALL DETERMINE EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS
2 SECTION. THE DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE DISTRICT
3 TO FUND THE COSTS OF PROVIDING PUBLIC EDUCATION, AND, EXCEPT AS
4 OTHERWISE PROVIDED IN SECTION 22-54-105, THE DISTRICT HAS THE
5 DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES FOR BUDGETING
6 AND EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

7 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION TO
8 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S
9 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM
10 DETERMINATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE
11 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC
12 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE
13 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF
14 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE
15 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115
16 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT
17 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER
18 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC
19 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.
20 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE
21 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL
22 PROGRAM MONEY.

23 (c) AS USED IN THIS SECTION, "FOR THE 2025-26 BUDGET YEAR
24 THROUGH THE 2029-30 BUDGET YEAR" MEANS THE 2025-26 BUDGET
25 YEAR, THE 2026-27 BUDGET YEAR, THE 2027-28 BUDGET YEAR, THE
26 2028-29 BUDGET YEAR, AND THE 2029-30 BUDGET YEAR.

27 (2) FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30

1 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL CALCULATE EACH
2 DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTIONS 22-54-103.5 AND
3 22-54-104.

4 (3) FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30
5 BUDGET YEAR, A DISTRICT'S TOTAL PROGRAM IS THE GREATER OF THE
6 DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION
7 22-54-104 PLUS ONE-HALF PERCENT OF THE DISTRICT'S TOTAL PROGRAM
8 CALCULATION PURSUANT TO SECTION 22-54-104, OR:

9 (a) FOR THE 2025-26 BUDGET YEAR, ■ THE AMOUNT CALCULATED
10 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO EIGHTEEN
11 PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL PROGRAM
12 CALCULATION PURSUANT TO SECTION 22-54-103.5 AND THE DISTRICT'S
13 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-104;

14 (b) FOR THE 2026-27 BUDGET YEAR, ■ THE AMOUNT CALCULATED
15 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO
16 THIRTY-FOUR PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S
17 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND
18 THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION
19 22-54-104;

20 (c) FOR THE 2027-28 BUDGET YEAR, ■ THE AMOUNT CALCULATED
21 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO FIFTY
22 PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL PROGRAM
23 CALCULATION PURSUANT TO SECTION 22-54-103.5 AND THE DISTRICT'S
24 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-104;

25 (d) FOR THE 2028-29 BUDGET YEAR, ■ THE AMOUNT CALCULATED
26 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO SIXTY-SIX
27 PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL PROGRAM

1 CALCULATION PURSUANT TO SECTION 22-54-103.5 AND THE DISTRICT'S
2 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-104; AND

3 (e) FOR THE 2029-30 BUDGET YEAR, ■ THE AMOUNT CALCULATED
4 PURSUANT TO SECTION 22-54-104 PLUS AN AMOUNT EQUAL TO
5 EIGHTY-TWO PERCENT OF THE DIFFERENCE BETWEEN THE DISTRICT'S
6 TOTAL PROGRAM CALCULATION PURSUANT TO SECTION 22-54-103.5 AND
7 THE DISTRICT'S TOTAL PROGRAM CALCULATION PURSUANT TO SECTION
8 22-54-104.

9 (4) FOR THE 2024-25 BUDGET YEAR THROUGH THE 2029-30
10 BUDGET YEAR, THE JOINT BUDGET COMMITTEE SHALL MONITOR THE FISCAL
11 IMPACT OF THE DISTRICT TOTAL PROGRAM DETERMINATIONS PURSUANT TO
12 THIS SECTION AND THE FISCAL IMPACT OF THE TRANSITION TO THE TOTAL
13 PROGRAM FORMULA PURSUANT TO SECTION 22-54-103.5. AT A MINIMUM,
14 THE JOINT BUDGET COMMITTEE SHALL CONSIDER IMMEDIATE AND
15 FORECASTED ECONOMIC CONDITIONS, THE IMPACT OR TREND OF THE
16 STATEWIDE TOTAL LOCAL SHARE OF TOTAL PROGRAM FUNDING, THE
17 IMPACT OR TREND OF THE STATE EDUCATION FUND, AND ANY OTHER
18 DATA-DRIVEN CONSIDERATIONS NECESSARY TO ENSURE THE SUSTAINABLE
19 TRANSITION TO AND IMPLEMENTATION OF A NEW TOTAL PROGRAM
20 FORMULA. THE JOINT BUDGET COMMITTEE AND THE GENERAL ASSEMBLY
21 MAY TAKE ACTION NECESSARY TO ENSURE THE SUSTAINABLE TRANSITION
22 TO AND IMPLEMENTATION OF A NEW TOTAL PROGRAM FORMULA. ■

23 ON OR AFTER JANUARY 1, 2025, WHEN THE DEPARTMENT OF EDUCATION
24 MAKES MID-YEAR ADJUSTMENTS, THE JOINT BUDGET COMMITTEE SHALL
25 DEVELOP A SUSTAINABILITY PLAN THAT MAKES FINDINGS AND
26 RECOMMENDATIONS REGARDING HOW THE GENERAL ASSEMBLY CAN
27 FULLY FUND TOTAL PROGRAM DETERMINATIONS PURSUANT TO SECTIONS

1 22-54-103.3 AND 22-54-103.5. ON OR AFTER JANUARY 1, 2026, AND
2 ON OR AFTER JANUARY 1 EACH YEAR THEREAFTER, WHEN THE
3 DEPARTMENT OF EDUCATION MAKES MID-YEAR ADJUSTMENTS, THE JOINT
4 BUDGET COMMITTEE SHALL REVIEW THE SUSTAINABILITY PLAN AND
5 UPDATE IT AS NECESSARY.

6 (5) (a) AS USED IN THIS SUBSECTION (5), UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (I) "ASSESSMENT YEAR" MEANS A BUDGET YEAR WHEN THE
9 LATTER HALF OF THE BUDGET YEAR OCCURS DURING AN EVEN-NUMBERED
10 CALENDAR YEAR.

11 (II) "INFLATION" MEANS, FOR ANY BUDGET YEAR, THE ANNUAL
12 PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR
13 STATISTICS CONSUMER PRICE INDEX FOR DENVER-BOULDER, OR ITS
14 APPLICABLE SUCCESSOR INDEX, FOR ALL ITEMS PAID BY ALL URBAN
15 CONSUMERS FOR THE CALENDAR YEAR BEFORE THE APPLICABLE BUDGET
16 YEAR.

17 (III) "NON-ASSESSMENT YEAR" MEANS A BUDGET YEAR WHEN THE
18 LATTER HALF OF THE BUDGET YEAR OCCURS DURING AN ODD-NUMBERED
19 CALENDAR YEAR.

20 (b) (I) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 54,
21 FOR THE 2024-25 BUDGET YEAR THROUGH THE 2029-30 BUDGET YEARS,
22 IF THE JOINT BUDGET COMMITTEE DETERMINES THAT ANY ONE OF THE
23 CONDITIONS DESCRIBED IN SUBSECTION (5)(c) OF THIS SECTION
24 OCCURRED:

25 (A) FOR THE NEXT BUDGET YEAR, AND FOR EACH BUDGET YEAR
26 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL CALCULATE AND
27 DETERMINE EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO THE

1 CALCULATION AND DETERMINATION REQUIRED FOR THE BUDGET YEAR
2 WHEN THE CONDITION DESCRIBED IN SUBSECTION (5)(c) OF THIS SECTION
3 OCCURRED; AND

4 (B) THE JOINT BUDGET COMMITTEE SHALL PROMPTLY NOTIFY THE
5 SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE PRESIDENT OF THE
6 SENATE; THE MINORITY LEADERS OF THE HOUSE OF REPRESENTATIVES AND
7 THE SENATE; THE EDUCATION COMMITTEES OF THE HOUSE OF
8 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES;
9 AND THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION THAT THE
10 CONDITION DESCRIBED IN SUBSECTION (5)(c) OF THIS SECTION OCCURRED,
11 AND THAT EACH DISTRICT'S TOTAL PROGRAM WILL BE CALCULATED AND
12 DETERMINED PURSUANT TO SUBSECTION (5)(b)(I) OF THIS SECTION FOR
13 THE NEXT BUDGET YEAR, AND FOR EACH BUDGET YEAR THEREAFTER.

14 (II) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 54,
15 DURING THE 2024-25 BUDGET YEAR, IF THE JOINT BUDGET COMMITTEE
16 DETERMINES THAT ANY ONE OF THE CONDITIONS DESCRIBED IN
17 SUBSECTION (5)(c) OF THIS SECTION OCCURRED, FOR THE 2025-26 BUDGET
18 YEAR, AND FOR EACH BUDGET YEAR THEREAFTER, THE DEPARTMENT OF
19 EDUCATION SHALL CALCULATE AND DETERMINE EACH DISTRICT'S TOTAL
20 PROGRAM PURSUANT TO THE CALCULATION AND DETERMINATION
21 REQUIRED PURSUANT TO SECTION 22-54-104.

22 (c) (I) THE REQUIREMENTS DESCRIBED IN SUBSECTION (5)(b) OF
23 THIS SECTION ARE INITIATED IF:

24 (A) IN AN ASSESSMENT YEAR, THE PERCENT CHANGE IN THE
25 STATEWIDE TOTAL LOCAL SHARE OF TOTAL PROGRAM FUNDING FOR THE
26 CURRENT BUDGET YEAR TO THE STATEWIDE TOTAL LOCAL SHARE OF THE
27 TOTAL PROGRAM FUNDING FOR THE PRIOR BUDGET YEAR IS AN AMOUNT

1 THAT IS LESS THAN INFLATION MINUS TWO PERCENT;

2 (B) IN A NON-ASSESSMENT YEAR, THE STATEWIDE TOTAL LOCAL
3 SHARE OF TOTAL PROGRAM FUNDING FOR THE CURRENT BUDGET YEAR
4 COMPARED TO THE STATEWIDE TOTAL LOCAL SHARE OF THE TOTAL
5 PROGRAM FUNDING FOR THE PRIOR BUDGET YEAR IS AN AMOUNT THAT
6 DECREASED BY TWO PERCENT OR MORE; OR

7 (C) IN EITHER AN ASSESSMENT YEAR OR A NON-ASSESSMENT YEAR,
8 THE MARCH REVENUE FORECAST RELIED ON BY THE GENERAL ASSEMBLY
9 IN SETTING THE BUDGET FOR THE NEXT STATE FISCAL YEAR ESTIMATES
10 THAT THE INCOME TAX DIVERSION TO THE STATE EDUCATION FUND, AS
11 REQUIRED PURSUANT TO SECTION 17 OF ARTICLE IX OF THE STATE
12 CONSTITUTION, WILL DECREASE BY FIVE PERCENT OR MORE IN EITHER THE
13 CURRENT BUDGET YEAR OR THE NEXT BUDGET YEAR.

14 (II) THE REQUIREMENTS DESCRIBED IN SUBSECTION (5)(b) OF THIS
15 SECTION ARE INITIATED IF ANY OF THE FOLLOWING ESTIMATE THAT THE
16 CONDITIONS DESCRIBED IN SUBSECTION (5)(c)(I)(A) OR (5)(c)(I)(B) OF
17 THIS SECTION WILL OCCUR:

18 (A) INFORMATION CONCERNING LOCAL SHARE OF TOTAL PROGRAM
19 FUNDING RELEVANT TO THIS ARTICLE 54 CONTAINED IN A DECEMBER
20 REVENUE FORECAST PREPARED BY THE LEGISLATIVE COUNCIL STAFF;

21 (B) INFORMATION CONTAINED IN THE FINAL FISCAL NOTE
22 PREPARED BY THE LEGISLATIVE COUNCIL STAFF CONCERNING THE
23 ESTIMATED IMPACT OF AN ACT OF THE GENERAL ASSEMBLY THAT BECOMES
24 LAW THAT REDUCES PROPERTY TAXES; OR

25 (C) INFORMATION CONTAINED IN THE FISCAL IMPACT STATEMENT
26 IN THE BALLOT INFORMATION BOOKLET PREPARED BY THE DIRECTOR OF
27 RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY

1 PURSUANT TO SECTION 1-40-124.5, CONCERNING THE ESTIMATED IMPACT
2 OF AN INITIATIVE OR REFERRED MEASURE THAT IS APPROVED BY THE
3 PEOPLE AND BECOMES LAW UPON OFFICIAL DECLARATION OF THE VOTE BY
4 THE GOVERNOR, THAT REDUCES PROPERTY TAXES.

5 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2031.

6 SECTION 7. In Colorado Revised Statutes, add 22-54-103.5 as
7 follows:

8 22-54-103.5. District total program - rules - legislative
9 declaration - repeal. (1) (a) FOR THE 2030-31 BUDGET YEAR AND EACH
10 BUDGET YEAR THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL USE
11 THIS SECTION TO DETERMINE EACH DISTRICT'S TOTAL PROGRAM. THE
12 DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE DISTRICT TO FUND THE
13 COSTS OF PROVIDING PUBLIC EDUCATION, AND, EXCEPT AS OTHERWISE
14 PROVIDED IN SECTION 22-54-105, THE DISTRICT HAS THE DISCRETION TO
15 DETERMINE THE AMOUNTS AND PURPOSES FOR BUDGETING AND
16 EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

17 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION TO
18 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S
19 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM
20 DETERMINATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE
21 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC
22 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE
23 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF
24 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE
25 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115
26 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT
27 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER

1 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC
2 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.
3 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE
4 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL
5 PROGRAM MONEY.

6 (c) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
7 CONTRARY, FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30
8 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL CALCULATE EACH
9 DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS SECTION FOR THE PURPOSE
10 OF DETERMINING EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION
11 22-54-103.3. THE DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE
12 DISTRICT TO FUND THE COSTS OF PROVIDING PUBLIC EDUCATION, AND,
13 EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-54-105, THE DISTRICT
14 HAS THE DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES FOR
15 BUDGETING AND EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

16 (II) NOTWITHSTANDING SUBSECTION (1)(c)(I) OF THIS SECTION TO
17 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S
18 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM
19 CALCULATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE
20 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC
21 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE
22 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF
23 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE
24 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115
25 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT
26 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER
27 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC

1 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.
2 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE
3 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL
4 PROGRAM MONEY.

5 (III) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1,
6 2031.

7 (2) **District total program formula.** A DISTRICT'S TOTAL
8 PROGRAM IS:

- 9 DISTRICT FOUNDATION FUNDING
- 10 + DISTRICT AT-RISK FUNDING
- 11 + DISTRICT ENGLISH LANGUAGE LEARNER FUNDING
- 12 + DISTRICT SPECIAL EDUCATION FUNDING
- 13 + DISTRICT COST OF LIVING FACTOR FUNDING
- 14 + DISTRICT LOCALE FACTOR FUNDING
- 15 + DISTRICT SIZE FACTOR FUNDING
- 16 + DISTRICT EXTENDED HIGH SCHOOL FUNDING
- 17 + DISTRICT ONLINE FUNDING.

18 (3) **Statewide base per pupil funding.** (Reserved)

19 (4) **Funded pupil count.** FUNDED PUPIL COUNT IS:

20 (a) THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE
21 APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL
22 KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS
23 THE DISTRICT'S EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE
24 APPLICABLE BUDGET YEAR PLUS THE GREATER OF:

25 (I) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
26 BUDGET YEAR;

27 (II) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE

1 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
2 THE IMMEDIATELY PRECEDING BUDGET YEAR;

3 (III) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
4 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
5 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

6 (IV) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
7 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
8 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS.

9 (b) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
10 CONTRARY, FOR PURPOSES OF SUBSECTION (4)(a) OF THIS SECTION, A
11 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL
12 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING
13 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING
14 DISTRICT, AS PROVIDED PURSUANT TO SUBSECTIONS (4)(b)(II) AND
15 (4)(b)(III) OF THIS SECTION. THE DEPARTMENT OF EDUCATION SHALL ADD
16 THE INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND
17 ONLINE PUPIL ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT
18 PRIOR TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO
19 THIS SECTION.

20 (II) FOR PURPOSES OF SUBSECTION (4)(b)(I) OF THIS SECTION,
21 EACH OPERATING INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL
22 ENROLLMENT IS THE GREATER OF:

23 (A) THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL
24 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR;

25 (B) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
26 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
27 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR

1 THE IMMEDIATELY PRECEDING BUDGET YEAR;

2 (C) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
3 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
4 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
5 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

6 (D) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
7 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
8 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
9 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS.

10 (III) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
11 CONTRARY, FOR PURPOSES OF SUBSECTION (4)(b)(II) OF THIS SECTION, AN
12 OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT INCLUDES
13 ITS ONLINE STUDENT ENROLLMENT, EXCEPT FOR MULTI-DISTRICT ONLINE
14 SCHOOL STUDENT ENROLLMENT.

15 (c) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE
16 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
17 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
18 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE THREE
19 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO THIS SUBSECTION
20 (4), AND AVERAGING AN OPERATING INSTITUTE CHARTER SCHOOL'S
21 STUDENT ENROLLMENT AND ONLINE PUPIL ENROLLMENT PURSUANT TO
22 THIS SUBSECTION (4), IS A PROGRAM FOR ACCOUNTABLE EDUCATION
23 REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE
24 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE
25 STATE CONSTITUTION.

26 (d) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
27 CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4), A DISTRICT'S

1 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S
2 PUPIL ENROLLMENT FOR A PRECEDING BUDGET YEAR DO NOT INCLUDE A
3 PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS
4 ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY
5 CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER
6 SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE
7 ORIGINALLY AUTHORIZING DISTRICT.

8 (II) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (4)
9 TO THE CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (4), IF A
10 DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS
11 SUBSECTION (4) FOR A BUDGET YEAR IS FEWER THAN SIXTY STUDENTS, THE
12 DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS SIXTY
13 STUDENTS.

14 (5) **District foundation funding.** A DISTRICT'S FOUNDATION
15 FUNDING IS:

16 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
17 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -
18 DISTRICT ONLINE PUPIL ENROLLMENT)).

19 (6) **District at-risk funding.** (a) A DISTRICT'S AT-RISK FUNDING
20 IS:

21 (STATEWIDE BASE PER PUPIL FUNDING X TWENTY-FIVE PERCENT)
22 X DISTRICT AT-RISK PUPIL ENROLLMENT.

23 (b) NOTWITHSTANDING SUBSECTION (6)(a) OF THIS SECTION, IF A
24 DISTRICT'S FUNDED PUPIL COUNT IS LESS THAN SEVEN THOUSAND PUPILS
25 AND THE DISTRICT PERCENTAGE OF AT-RISK PUPILS IS SEVENTY PERCENT
26 OR GREATER, THE DISTRICT'S AT-RISK FUNDING IS:

27 (STATEWIDE BASE PER PUPIL FUNDING X THIRTY-TWO PERCENT)

1 X DISTRICT AT-RISK PUPIL ENROLLMENT.

2 (7) **District English language learner funding.** A DISTRICT'S
3 ENGLISH LANGUAGE LEARNER FUNDING IS:

4 (STATEWIDE BASE PER PUPIL FUNDING X TWENTY-FIVE PERCENT)
5 X DISTRICT ENGLISH LANGUAGE LEARNER PUPIL ENROLLMENT.

6 (8) **District extended high school funding.** (a) A DISTRICT'S
7 EXTENDED HIGH SCHOOL FUNDING IS:

8 (DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT X \$9,588,
9 OR AN AMOUNT DETERMINED PURSUANT SUBSECTION (8)(b) OF
10 THIS SECTION).

11 (b) THE DOLLAR AMOUNT IN SUBSECTION (8)(a) OF THIS SECTION
12 MUST INCREASE BY THE SAME PERCENTAGE THAT THE STATEWIDE BASE
13 PER PUPIL FUNDING FOR THE APPLICABLE BUDGET YEAR IS INCREASED. THE
14 AMOUNT MUST BE ROUNDED TO THE NEAREST DOLLAR.

15 (9) **District online funding.** (a) A DISTRICT'S ONLINE FUNDING IS:
16 (DISTRICT ONLINE PUPIL ENROLLMENT X \$9,588, OR AN AMOUNT
17 DETERMINED PURSUANT TO SUBSECTION (9)(b) OF THIS SECTION).

18 (b) THE DOLLAR AMOUNT IN SUBSECTION (9)(a) OF THIS SECTION
19 MUST INCREASE BY THE SAME PERCENTAGE THAT THE STATEWIDE BASE
20 PER PUPIL FUNDING FOR THAT BUDGET YEAR IS INCREASED. THE AMOUNT
21 MUST BE ROUNDED TO THE NEAREST DOLLAR.

22 (10) **District special education pupil funding.** A DISTRICT'S
23 SPECIAL EDUCATION PUPIL FUNDING IS:

24 (STATEWIDE BASE PER PUPIL FUNDING X TWENTY-FIVE PERCENT)
25 X DISTRICT SPECIAL EDUCATION PUPIL ENROLLMENT.

26 (11) **District cost of living factor funding - rules.** (a) A
27 DISTRICT'S COST OF LIVING FACTOR FUNDING IS:

1 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
2 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -
3 DISTRICT ONLINE PUPIL ENROLLMENT) X DISTRICT COST OF LIVING
4 FACTOR).

5 (b) (I) A DISTRICT'S COST OF LIVING FACTOR IS DETERMINED
6 PURSUANT TO SUBSECTION (11)(c) OF THIS SECTION; EXCEPT THAT,
7 NOTWITHSTANDING THIS SUBSECTION (11) TO THE CONTRARY, A
8 DISTRICT'S COST OF LIVING FACTOR MUST NOT EXCEED TWENTY-THREE
9 PERCENT.

10 (II) THE COST OF LIVING FACTOR ALLOWED FOR EACH DISTRICT
11 PURSUANT TO THIS SUBSECTION (11) REFLECTS THE DIFFERENCES IN THE
12 COSTS OF HOUSING, GOODS, AND SERVICES AMONG REGIONS IN WHICH
13 DISTRICTS ARE LOCATED. THE FACTOR DOES NOT REFLECT ANY ANNUAL
14 INCREASE IN THE COSTS OF HOUSING, GOODS, AND SERVICES CAUSED BY
15 INFLATION.

16 (c) (I) FOR THE 2025-26 BUDGET YEAR, A DISTRICT'S COST OF
17 LIVING FACTOR IS THE DISTRICT'S COST OF LIVING AMOUNT IDENTIFIED IN
18 THE 2023 COST OF LIVING ANALYSIS ADJUSTED FOR LABOR POOL AREAS,
19 DIVIDED BY THE MINIMUM COST OF LIVING AMOUNT FOR A DISTRICT
20 IDENTIFIED IN THE 2023 COST OF LIVING ANALYSIS ADJUSTED FOR LABOR
21 POOL AREAS, MINUS ONE.

22 (II) FOR THE 2026-27 AND 2027-28 BUDGET YEARS, A DISTRICT'S
23 COST OF LIVING FACTOR IS THE DISTRICT'S COST OF LIVING AMOUNT
24 IDENTIFIED IN THE 2025 COST OF LIVING ANALYSIS ADJUSTED FOR LABOR
25 POOL AREAS, DIVIDED BY THE MINIMUM COST OF LIVING AMOUNT FOR A
26 DISTRICT IDENTIFIED IN THE 2025 COST OF LIVING ANALYSIS ADJUSTED FOR
27 LABOR POOL AREAS, MINUS ONE.

1 (III) FOR EVERY TWO-YEAR BUDGET YEAR PERIOD THEREAFTER, A
2 DISTRICT'S COST OF LIVING FACTOR IS THE DISTRICT'S COST OF LIVING
3 AMOUNT, IDENTIFIED IN THE BIENNIAL COST OF LIVING ANALYSIS
4 ADJUSTED FOR LABOR POOL AREAS, DIVIDED BY THE MINIMUM COST OF
5 LIVING AMOUNT FOR A DISTRICT IDENTIFIED IN THE MOST RECENT COST OF
6 LIVING ANALYSIS ADJUSTED FOR LABOR POOL AREAS, MINUS ONE.

7 (IV) THE COST OF LIVING FACTOR FOR EACH DISTRICT MUST BE
8 CERTIFIED TO THE DEPARTMENT OF EDUCATION BY LEGISLATIVE COUNCIL
9 STAFF FOR EACH TWO-YEAR PERIOD THEREAFTER BASED UPON A NEW COST
10 OF LIVING ANALYSIS. THE CERTIFICATION MUST BE MADE NO LATER THAN
11 APRIL 15 OF THE APPLICABLE YEAR AND IS EFFECTIVE FOR THE BUDGET
12 YEAR BEGINNING ON JULY 1 OF THAT YEAR AND THE BUDGET YEAR
13 THEREAFTER.

14 (V) THE DEPARTMENT OF EDUCATION SHALL TRANSFER A PORTION
15 OF THE TOTAL AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY IN THE
16 ANNUAL GENERAL APPROPRIATION BILL FOR THAT BUDGET YEAR FOR
17 ASSISTANCE TO PUBLIC SCHOOLS, PUBLIC SCHOOL FINANCE, AND STATE
18 SHARE OF DISTRICTS' TOTAL PROGRAM FUNDING TO THE LEGISLATIVE
19 COUNCIL TO FUND THE COST OF LIVING ANALYSIS REQUIRED PURSUANT TO
20 THIS SUBSECTION (11). THE AMOUNT TRANSFERRED BY THE DEPARTMENT
21 OF EDUCATION MUST NOT EXCEED THE MAXIMUM AMOUNT SPECIFIED IN A
22 FOOTNOTE RELATED TO THIS APPROPRIATION IN THE ANNUAL GENERAL
23 APPROPRIATION BILL FOR THAT BUDGET YEAR. THE REMAINDER OF THE
24 AMOUNT APPROPRIATED FOR ASSISTANCE TO PUBLIC SCHOOLS, PUBLIC
25 SCHOOL FINANCE, AND STATE SHARE OF DISTRICTS' TOTAL PROGRAM
26 FUNDING MUST BE DISTRIBUTED TO SCHOOL DISTRICTS IN THE MANNER
27 PROVIDED IN SECTION 22-54-106 (4)(c).

1 (d) (I) THE DEPARTMENT OF EDUCATION SHALL PROMULGATE
2 RULES FOR THE ASSIGNMENT OF A COST OF LIVING FACTOR TO ANY NEW
3 DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE 22, EXCEPT
4 FOR NEW DISTRICTS THAT ARE CREATED AS THE RESULT OF A
5 DECONSOLIDATION AS DESCRIBED IN SECTION 22-30-102 (2)(a), UNTIL THE
6 COST OF LIVING FACTOR FOR THE DISTRICT IS CERTIFIED BY LEGISLATIVE
7 COUNCIL STAFF PURSUANT TO THIS SECTION.

8 (II) THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION
9 (11)(d) MUST BE DESIGNED TO PROVIDE NEITHER AN INCENTIVE NOR A
10 DISINCENTIVE TO THE ORGANIZATION OF NEW DISTRICTS PURSUANT TO
11 ARTICLE 30 OF THIS TITLE 22 AND MUST INCLUDE PROVISIONS TO ENSURE
12 THAT THE COST OF LIVING FACTOR WITHIN A NEW DISTRICT IS NOT
13 REDUCED SOLELY BECAUSE THE NEW DISTRICT IS THE RESULT OF A
14 CONSOLIDATION OF EXISTING DISTRICTS. THE RULES MUST CONSIDER THE
15 COST OF LIVING FACTORS ASSIGNED TO THE DISTRICTS THAT ARE AFFECTED
16 BY THE ORGANIZATION OF THE NEW DISTRICT AND THE CIRCUMSTANCES
17 OF THE NEW DISTRICT BASED ON THE MOST RECENT COST OF LIVING
18 ANALYSIS PERFORMED BY THE LEGISLATIVE COUNCIL.

19 (III) NEW DISTRICTS THAT ARE CREATED AS THE RESULT OF A
20 DECONSOLIDATION AS DESCRIBED IN SECTION 22-30-102 (2)(a) RETAIN
21 THE COST OF LIVING FACTOR OF THE DISTRICT FROM WHICH THEY WERE
22 SEPARATED UNTIL THE COST OF LIVING FACTOR FOR THE NEW DISTRICT IS
23 CERTIFIED BY THE LEGISLATIVE COUNCIL STAFF PURSUANT TO THIS
24 SECTION.

25 (12) **District locale factor funding.** (a) A DISTRICT'S LOCALE
26 FACTOR FUNDING IS:

27 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL

1 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -
2 DISTRICT ONLINE PUPIL ENROLLMENT) X DISTRICT LOCALE
3 FACTOR).

4 (b) A DISTRICT'S LOCALE FACTOR IS:

5 (I) TWENTY-FIVE PERCENT, IF THE DISTRICT IS CLASSIFIED AS
6 RURAL REMOTE;

7 (II) TWENTY PERCENT, IF THE DISTRICT IS CLASSIFIED AS RURAL
8 DISTANT;

9 (III) FIFTEEN PERCENT, IF THE DISTRICT IS CLASSIFIED AS RURAL
10 FRINGE;

11 (IV) TEN PERCENT, IF THE DISTRICT IS CLASSIFIED AS TOWN
12 REMOTE;

13 (V) FIVE PERCENT, IF THE DISTRICT IS CLASSIFIED AS TOWN
14 DISTANT;

15 (VI) TWO AND A HALF PERCENT, IF THE DISTRICT IS CLASSIFIED AS
16 TOWN FRINGE;

17 (VII) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS SUBURBAN
18 SMALL;

19 (VIII) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS SUBURBAN
20 MIDSIZE;

21 (IX) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS SUBURBAN
22 LARGE;

23 (X) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS CITY SMALL;

24 (XI) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS CITY
25 MIDSIZE; OR

26 (XII) ZERO PERCENT, IF THE DISTRICT IS CLASSIFIED AS CITY
27 LARGE.

1 (c) NOTWITHSTANDING SUBSECTION (12)(a) OF THIS SECTION, IF A
2 DISTRICT IS CLASSIFIED AS RURAL REMOTE OR TOWN REMOTE, THE
3 DISTRICT'S LOCAL FACTOR FUNDING IS THE AMOUNT DETERMINED
4 PURSUANT TO SUBSECTION (12)(a) OF THIS SECTION PLUS ONE HUNDRED
5 THOUSAND DOLLARS.

6 (d) A DISTRICT'S CLASSIFICATION, AS DESCRIBED PURSUANT TO
7 SUBSECTION (12)(b) OR (12)(c) OF THIS SECTION, IS DETERMINED BY THE
8 LATEST CLASSIFICATIONS OR CLASSIFICATION CRITERIA ISSUED BY THE
9 NATIONAL CENTER FOR EDUCATION STATISTICS IN THE INSTITUTE OF
10 EDUCATION SCIENCES OF THE UNITED STATES DEPARTMENT OF
11 EDUCATION.

12 (e) NOTWITHSTANDING SUBSECTION (12)(d) OF THIS SECTION, IF
13 A DISTRICT DOES NOT ALIGN WITH A CLASSIFICATION ISSUED BY THE
14 NATIONAL CENTER FOR EDUCATION STATISTICS, THE DEPARTMENT OF
15 EDUCATION SHALL DESIGNATE THE DISTRICT'S LOCALE FACTOR BASED ON
16 CONSIDERATIONS THAT ALIGN IT WITH A SIMILARLY SITUATED DISTRICT
17 THAT HAS A CLASSIFICATION ISSUED BY THE NATIONAL CENTER FOR
18 EDUCATION STATISTICS. IF THE DEPARTMENT OF EDUCATION IS REQUIRED
19 TO DESIGNATE THE DISTRICT'S LOCALE FACTOR PURSUANT TO THIS
20 SUBSECTION (12)(e), THE DEPARTMENT OF EDUCATION SHALL CONSULT
21 WITH LEGISLATIVE COUNSEL STAFF CONCERNING THE ADJUSTMENT FOR
22 ANY INFORMATION NECESSARY TO MAKE AN APPROPRIATE DESIGNATION.

23 (13) **District size factor funding.** (a) A DISTRICT'S SIZE FACTOR
24 FUNDING IS:

25 (STATEWIDE BASE PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
26 COUNT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT -
27 DISTRICT ONLINE PUPIL ENROLLMENT) X DISTRICT SIZE FACTOR).

1 (b) A DISTRICT'S SIZE FACTOR IS:

2 (I) IF THE DISTRICT'S FUNDED PUPIL COUNT IS LESS THAN TWO
3 HUNDRED SEVENTY-SIX:

4 $0.5457 + (0.00376159 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$
5 $\text{PUPIL COUNT AND TWO HUNDRED SEVENTY-SIX}).$

6 (II) IF THE DISTRICT'S FUNDED PUPIL COUNT IS TWO HUNDRED
7 SEVENTY-SIX OR MORE BUT LESS THAN FOUR HUNDRED FIFTY-NINE:

8 $0.2385 + (0.00167869 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$
9 $\text{PUPIL COUNT AND FOUR HUNDRED FIFTY-NINE}).$

10 (III) IF THE DISTRICT'S FUNDED PUPIL COUNT IS FOUR HUNDRED
11 FIFTY-NINE OR MORE BUT LESS THAN ONE THOUSAND TWENTY-SEVEN:

12 $0.1215 + (0.00020599 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$
13 $\text{PUPIL COUNT AND ONE THOUSAND TWENTY-SEVEN}).$

14 (IV) IF THE DISTRICT'S FUNDED PUPIL COUNT IS ONE THOUSAND
15 TWENTY-SEVEN OR MORE BUT LESS THAN TWO THOUSAND TWO HUNDRED
16 NINETY-THREE:

17 $0.0533 + (0.00005387 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$
18 $\text{PUPIL COUNT AND TWO THOUSAND TWO HUNDRED NINETY-THREE}).$

19 (V) IF THE DISTRICT'S FUNDED PUPIL COUNT IS TWO THOUSAND
20 TWO HUNDRED NINETY-THREE OR MORE BUT LESS THAN THREE THOUSAND
21 FIVE HUNDRED:

22 $0.0368 + (0.00001367 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$
23 $\text{PUPIL COUNT AND THREE THOUSAND FIVE HUNDRED}).$

24 (VI) IF THE DISTRICT'S FUNDED PUPIL COUNT IS THREE THOUSAND
25 FIVE HUNDRED OR MORE BUT LESS THAN SIX THOUSAND FIVE HUNDRED:

26 $0.0297 + (0.00000473 \times \text{THE DIFFERENCE BETWEEN THE FUNDED}$
27 $\text{PUPIL COUNT AND SIX THOUSAND FIVE HUNDRED}).$

1 (VII) IF THE DISTRICT'S FUNDED PUPIL COUNT IS SIX THOUSAND
2 FIVE HUNDRED OR MORE: 0.00.

3 (c) (I) IF THE REORGANIZATION OF A DISTRICT OR DISTRICTS
4 RESULTS IN A DISTRICT INVOLVED IN THE REORGANIZATION HAVING A
5 GREATER SIZE FACTOR THAN THE ORIGINAL DISTRICT OR DISTRICTS HAD
6 FOR THE BUDGET YEAR IMMEDIATELY PRECEDING REORGANIZATION, THE
7 DISTRICTS INVOLVED IN THE REORGANIZATION MUST USE, FOR EACH
8 BUDGET YEAR, THE SIZE FACTOR THE ORIGINAL DISTRICT HAD PRIOR TO
9 THE REORGANIZATION OR, IF TWO OR MORE DISTRICTS REORGANIZE INTO
10 A SINGLE DISTRICT, THE SIZE FACTOR OF THE ORIGINAL DISTRICT WITH THE
11 LOWEST SIZE FACTOR FOR THE BUDGET YEAR IMMEDIATELY PRECEDING
12 REORGANIZATION. A DISTRICT INVOLVED IN THE REORGANIZATION SHALL
13 NOT, FOR ANY BUDGET YEAR, USE THE SIZE FACTOR THAT WOULD
14 OTHERWISE BE PROVIDED PURSUANT TO THIS SUBSECTION (13).

15 (II) IF THE REORGANIZATION OF A DISTRICT OR DISTRICTS RESULTS
16 IN A DISTRICT INVOLVED IN THE REORGANIZATION HAVING A LOWER SIZE
17 FACTOR THAN THE ORIGINAL DISTRICT OR DISTRICTS HAD FOR THE BUDGET
18 YEAR IMMEDIATELY PRECEDING REORGANIZATION, THE NEW DISTRICT OR
19 DISTRICTS MUST USE A SIZE FACTOR DETERMINED AS FOLLOWS:

20 (A) FOR THE FIRST BUDGET YEAR FOLLOWING REORGANIZATION,
21 THE SIZE FACTOR OF THE ORIGINAL DISTRICT FOR THE BUDGET YEAR
22 IMMEDIATELY PRECEDING REORGANIZATION OR, IF TWO OR MORE
23 DISTRICTS ARE INVOLVED IN THE REORGANIZATION, THE WEIGHTED
24 AVERAGE SIZE FACTOR OF THE ORIGINAL DISTRICTS FOR THE BUDGET YEAR
25 IMMEDIATELY PRECEDING REORGANIZATION. FOR PURPOSES OF THIS
26 SUBSECTION (13)(c)(II)(A), THE WEIGHTED AVERAGE SIZE FACTOR IS THE
27 SUM OF THE AMOUNTS CALCULATED BY MULTIPLYING THE FUNDED PUPIL

1 COUNTS OF THE ORIGINAL DISTRICTS BY THE SIZE FACTOR OF THE ORIGINAL
2 DISTRICTS AND DIVIDING THAT SUM BY THE TOTAL FUNDED PUPIL COUNT
3 OF THE ORIGINAL DISTRICTS.

4 (B) FOR THE SECOND BUDGET YEAR FOLLOWING REORGANIZATION,
5 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS
6 AN AMOUNT EQUAL TO ONE-FIFTH OF THE DIFFERENCE BETWEEN THE SIZE
7 FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE SIZE
8 FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION;

9 (C) FOR THE THIRD BUDGET YEAR FOLLOWING REORGANIZATION,
10 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS
11 AN AMOUNT EQUAL TO ONE-FOURTH OF THE DIFFERENCE BETWEEN THE
12 SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE
13 SIZE FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS
14 SECTION;

15 (D) FOR THE FOURTH BUDGET YEAR FOLLOWING REORGANIZATION,
16 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS
17 AN AMOUNT EQUAL TO ONE-THIRD OF THE DIFFERENCE BETWEEN THE SIZE
18 FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE SIZE
19 FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION;

20 (E) FOR THE FIFTH BUDGET YEAR FOLLOWING REORGANIZATION,
21 THE SIZE FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR MINUS
22 AN AMOUNT EQUAL TO ONE-HALF OF THE DIFFERENCE BETWEEN THE SIZE
23 FACTOR FOR THE IMMEDIATELY PRECEDING BUDGET YEAR AND THE SIZE
24 FACTOR DETERMINED PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION;

25 AND

26 (F) FOR THE SIXTH BUDGET YEAR FOLLOWING REORGANIZATION
27 AND BUDGET YEARS THEREAFTER, THE SIZE FACTOR DETERMINED

1 PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION.

2 (14) **Total program funding.** (Reserved)

3 **SECTION 8.** In Colorado Revised Statutes, 22-54-104, **amend**
4 (1) and (5)(b)(IV); and **add** (7) and (8) as follows:

5 **22-54-104. District total program - legislative declaration -**
6 **definitions - repeal.** (1) (a) For every budget year ~~the provisions of~~
7 THROUGH THE 2024-25 BUDGET YEAR, this section ~~shall~~ MUST be used to
8 calculate for each district an amount that represents the financial base of
9 support for public education in that district. Such amount shall be known
10 as ~~the district's total program~~ DETERMINE EACH DISTRICT'S TOTAL
11 PROGRAM. The district's total program ~~shall be~~ IS available to the district
12 to fund the costs of providing public education, and, except as otherwise
13 provided in section 22-54-105, ~~the amounts and purposes for which such~~
14 ~~moneys are budgeted and expended shall be in the discretion of the~~
15 ~~district~~ THE DISTRICT HAS THE DISCRETION TO DETERMINE THE AMOUNTS
16 AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL PROGRAM
17 MONEY.

18 (b) Notwithstanding ~~the provisions of paragraph (a) of this~~
19 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION TO THE CONTRARY, if
20 a district is ~~the accounting district of an institute charter school~~ AN
21 INSTITUTE CHARTER SCHOOL'S ACCOUNTING DISTRICT, then the ~~calculation~~
22 of total program pursuant to the provisions of this section shall also
23 represent the financial base of support for the institute charter school
24 TOTAL PROGRAM DETERMINATION PURSUANT TO THIS SECTION ALSO
25 REPRESENTS THE INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF
26 SUPPORT, even though the institute charter school is not a school of the
27 district. The amount of the district's state share of total program that is

1 withheld from the district and paid to the state charter school institute
2 pursuant to ~~the provisions of section 22-54-115 (1.3) shall~~ IS not be
3 available to ~~nor~~ OR under the control of the district but ~~shall be~~ IS under
4 the control of the INSTITUTE CHARTER SCHOOL'S governing board ~~of the~~
5 ~~institute charter school~~ to fund the costs of providing public education to
6 pupils enrolled in the institute charter school. ~~and the amounts and~~
7 ~~purposes for which such moneys are budgeted and expended shall be in~~
8 ~~the discretion of the institute charter school.~~ THE INSTITUTE CHARTER
9 SCHOOL HAS THE DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES
10 FOR BUDGETING AND EXPENDING ITS TOTAL PROGRAM MONEY.

11 (c) (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
12 CONTRARY, FOR THE 2025-26 BUDGET YEAR THROUGH THE 2029-30
13 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL CALCULATE EACH
14 DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS SECTION FOR THE PURPOSE
15 OF DETERMINING EACH DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION
16 22-54-103.3. THE DISTRICT'S TOTAL PROGRAM IS AVAILABLE TO THE
17 DISTRICT TO FUND THE COSTS OF PROVIDING PUBLIC EDUCATION, AND,
18 EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-54-105, THE DISTRICT
19 HAS THE DISCRETION TO DETERMINE THE AMOUNTS AND PURPOSES FOR
20 BUDGETING AND EXPENDING ITS DISTRICT TOTAL PROGRAM MONEY.

21 (II) NOTWITHSTANDING SUBSECTION (1)(c)(I) OF THIS SECTION TO
22 THE CONTRARY, IF A DISTRICT IS AN INSTITUTE CHARTER SCHOOL'S
23 ACCOUNTING DISTRICT, THEN THE DISTRICT TOTAL PROGRAM
24 CALCULATION PURSUANT TO THIS SECTION ALSO REPRESENTS THE
25 INSTITUTE CHARTER SCHOOL'S FINANCIAL BASE OF SUPPORT FOR PUBLIC
26 EDUCATION, EVEN THOUGH THE INSTITUTE CHARTER SCHOOL IS NOT THE
27 DISTRICT'S SCHOOL. THE AMOUNT OF THE DISTRICT'S STATE SHARE OF

1 TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE
2 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-54-115
3 (1.3) IS NOT AVAILABLE TO OR UNDER THE CONTROL OF THE DISTRICT BUT
4 IS AVAILABLE TO AND UNDER THE CONTROL OF THE INSTITUTE CHARTER
5 SCHOOL'S GOVERNING BOARD TO FUND THE COSTS OF PROVIDING PUBLIC
6 EDUCATION TO STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.
7 THE INSTITUTE CHARTER SCHOOL HAS THE DISCRETION TO DETERMINE THE
8 AMOUNTS AND PURPOSES FOR BUDGETING AND EXPENDING ITS TOTAL
9 PROGRAM MONEY.

10 (5) For purposes of the formulas used in this section:

11 (b) (IV) ~~For the 1998-99 budget year and budget years thereafter,~~
12 The funded pupil count used to calculate a district's size factor pursuant
13 to this ~~paragraph (b) shall be~~ SUBSECTION (5)(b) IS the funded pupil count
14 ~~as calculated pursuant to section 22-54-103 (7)~~ reduced by sixty-five
15 percent of the number of pupils included in the funded pupil count that
16 are enrolled in charter schools in the district; except that ~~the provisions of~~
17 ~~this subparagraph (IV) shall~~ THIS SUBSECTION (5)(b)(IV) only apply
18 APPLIES to those districts with a funded pupil count ~~as calculated pursuant~~
19 ~~to section 22-54-103 (7)~~ of five hundred or less FEWER.

20 (7) (a) FOR PURPOSES THIS SECTION, "FUNDED PUPIL COUNT"
21 MEANS THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE APPLICABLE
22 BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN
23 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S
24 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET
25 YEAR PLUS THE GREATER OF:

26 (I) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
27 BUDGET YEAR;

1 (II) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
2 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
3 THE IMMEDIATELY PRECEDING BUDGET YEAR;

4 (III) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
5 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
6 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS;

7 (IV) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
8 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
9 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

10 (V) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
11 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
12 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

13 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
14 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(a) OF THIS SECTION, A
15 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL
16 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING
17 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING
18 DISTRICT, AS PROVIDED PURSUANT TO SUBSECTIONS (7)(c) AND (7)(d) OF
19 THIS SECTION. THE DEPARTMENT OF EDUCATION SHALL ADD THE
20 INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ONLINE
21 PUPIL ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR
22 TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO THIS
23 SECTION.

24 (c) FOR PURPOSES OF SUBSECTION (7)(b) OF THIS SECTION, EACH
25 OPERATING INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT
26 IS THE GREATER OF:

27 (I) THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL

1 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR;

2 (II) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
3 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
4 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
5 THE IMMEDIATELY PRECEDING BUDGET YEAR;

6 (III) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
7 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
8 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
9 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS;

10 (IV) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
11 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
12 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
13 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

14 (V) THE AVERAGE OF THE OPERATING INSTITUTE CHARTER
15 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND
16 THE OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR
17 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

18 (d) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
19 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(c) OF THIS SECTION, AN
20 OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT INCLUDES
21 ITS ONLINE PUPIL ENROLLMENT, EXCEPT FOR MULTI-DISTRICT ONLINE
22 SCHOOL PUPIL ENROLLMENT.

23 (e) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE
24 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
25 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
26 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR
27 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO THIS SUBSECTION

1 (7), AND AVERAGING AN OPERATING INSTITUTE CHARTER SCHOOL'S PUPIL
2 ENROLLMENT AND ONLINE PUPIL ENROLLMENT PURSUANT TO THIS
3 SUBSECTION (7), IS A PROGRAM FOR ACCOUNTABLE EDUCATION REFORM
4 AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION
5 FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE
6 CONSTITUTION.

7 (f) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
8 FOR THE PURPOSES OF THIS SUBSECTION (7), A DISTRICT'S PUPIL
9 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S PUPIL
10 ENROLLMENT FOR ANY PRECEDING BUDGET YEAR DO NOT INCLUDE A PUPIL
11 WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS ORIGINALLY
12 AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY CONVERTED, ON
13 OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER SCHOOL OR TO A
14 CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE ORIGINALLY
15 AUTHORIZING DISTRICT.

16 (g) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (7) TO
17 THE CONTRARY, FOR THE PURPOSES OF THIS SUBSECTION (7), IF A
18 DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS
19 SUBSECTION (7) FOR A BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE
20 DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

21 (h) SOLELY FOR THE PURPOSE OF AVERAGING PUPIL ENROLLMENT
22 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION FOR A DISTRICT THAT
23 OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE
24 DEPARTMENT OF EDUCATION SHALL ADJUST THE DISTRICT'S PUPIL
25 ENROLLMENTS FOR THE 2018-19, 2017-18, 2016-17, AND 2015-16 BUDGET
26 YEARS BY COUNTING EACH PUPIL ENROLLED IN A FULL-DAY
27 KINDERGARTEN EDUCATIONAL PROGRAM IN ONE OF THOSE BUDGET YEARS

1 AS A FULL-TIME STUDENT. THE ADJUSTMENT TO PUPIL ENROLLMENT MADE
2 PURSUANT TO THIS SUBSECTION (7)(h) DOES NOT AFFECT OR CHANGE THE
3 FUNDED PUPIL COUNT USED TO CALCULATE A DISTRICT'S FISCAL YEAR
4 SPENDING LIMITATION PURSUANT TO SECTION 20 OF ARTICLE X OF THE
5 STATE CONSTITUTION FOR A BUDGET YEAR COMMENCING BEFORE JULY 1,
6 2019.

7 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2031.

8 ■ ■ ■

9 **SECTION 9.** In Colorado Revised Statutes, **add 22-20-114.3** as
10 follows:

11 **22-20-114.3. Agreements with administrative units for special**
12 **education services - legislative declaration.** (1) THE GENERAL
13 ASSEMBLY FINDS AND DECLARES THAT THE REQUIREMENTS DESCRIBED IN
14 SUBSECTION (2) OF THIS SECTION ARE NECESSARY AS A MATTER OF PUBLIC
15 POLICY.

16 (2) NO LATER THAN JULY 1, 2025, A DISTRICT OR INSTITUTE
17 CHARTER SCHOOL THAT IS SERVED BY A MULTI-DISTRICT ADMINISTRATIVE
18 UNIT FOR THE ESTABLISHMENT, MAINTENANCE, OR PROVISION OF SPECIAL
19 EDUCATION SERVICES MUST UPDATE AN EXISTING AGREEMENT
20 CONCERNING SPECIAL EDUCATION SERVICES TO CONTAIN PROVISIONS
21 REGARDING THE ALLOCATION OF ANY DISTRICT SPECIAL EDUCATION PUPIL
22 FUNDING RECEIVED BY A SERVED DISTRICT OR INSTITUTE CHARTER
23 SCHOOL PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

24 **SECTION 10.** In Colorado Revised Statutes, 22-41-102, **amend**
25 (3)(h) introductory portion; and **add** (3)(i), (3)(j), and (3)(k) as follows:

26 **22-41-102. Fund inviolate.** (3) (h) For the 2022-23 state fiscal
27 year ~~and each state fiscal year thereafter~~ THROUGH THE 2023-24 STATE

1 FISCAL YEAR, interest or income earned on the investment of the money
2 in the public school fund must be used or credited as follows:

3 (i) FOR THE 2024-25 STATE FISCAL YEAR, INTEREST AND INCOME
4 EARNED ON THE INVESTMENT OF THE MONEY IN THE PUBLIC SCHOOL FUND
5 MUST BE USED OR CREDITED AS FOLLOWS:

6 [REDACTED]
7 (I) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO
8 THE STATE TREASURER AN AMOUNT NECESSARY TO PAY FOR THE SERVICES
9 OF THE INVESTMENT CONSULTANT HIRED BY THE PUBLIC SCHOOL FUND
10 INVESTMENT BOARD PURSUANT TO SECTION 22-41-102.5 (5) AND TO PAY
11 FOR ANY REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES
12 INCURRED BY THE MEMBERS OF THE PUBLIC SCHOOL FUND INVESTMENT
13 BOARD PURSUANT TO SECTION 22-41-102.5 (2);

14 (II) AFTER THE APPROPRIATION MADE PURSUANT TO SUBSECTION
15 (3)(i)(I) OF THIS SECTION, THE LESSER OF ALL INTEREST AND INCOME OR
16 ELEVEN MILLION DOLLARS IS CREDITED TO THE STATE PUBLIC SCHOOL
17 FUND CREATED IN SECTION 22-54-114 FOR DISTRIBUTION AS PROVIDED IN
18 THAT SECTION;

19 (III) AFTER MONEY IN THE PUBLIC SCHOOL FUND HAS BEEN
20 APPROPRIATED OR CREDITED PURSUANT TO SUBSECTIONS (3)(i)(I) AND
21 (3)(i)(II) OF THIS SECTION, THE LESSER OF ALL INTEREST AND INCOME OR
22 THIRTY MILLION DOLLARS IS CREDITED TO THE RESTRICTED ACCOUNT OF
23 THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED
24 IN SECTION 22-43.7-104 (5) FOR USE AS PROVIDED IN THAT SECTION; AND

25 (IV) ANY ADDITIONAL INTEREST AND INCOME REMAINING IN THE
26 PUBLIC SCHOOL FUND MAY BE CREDITED AS SPECIFIED BY THE GENERAL
27 ASSEMBLY, TAKING INTO CONSIDERATION THE RECOMMENDATIONS OF THE

1 PUBLIC SCHOOL FUND INVESTMENT BOARD DESCRIBED IN SECTION
2 22-41-102.5 (4)(a)(III), OR, IF NOT CREDITED PURSUANT TO THIS
3 SUBSECTION (3)(i)(IV), REMAINS IN THE PUBLIC SCHOOL FUND.

4 (j) FOR THE 2025-26 STATE FISCAL YEAR, INTEREST AND INCOME
5 EARNED ON THE INVESTMENT OF THE MONEY IN THE PUBLIC SCHOOL FUND
6 MUST BE USED OR CREDITED AS FOLLOWS:

7
8 (I) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO
9 THE STATE TREASURER AN AMOUNT NECESSARY TO PAY FOR THE SERVICES
10 OF THE INVESTMENT CONSULTANT HIRED BY THE PUBLIC SCHOOL FUND
11 INVESTMENT BOARD PURSUANT TO SECTION 22-41-102.5 (5) AND TO PAY
12 FOR ANY REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES
13 INCURRED BY THE MEMBERS OF THE PUBLIC SCHOOL FUND INVESTMENT
14 BOARD PURSUANT TO SECTION 22-41-102.5 (2);

15 (II) AFTER THE APPROPRIATION MADE PURSUANT TO SUBSECTION
16 (3)(j)(I) OF THIS SECTION, THE LESSER OF ALL INTEREST AND INCOME OR
17 FIVE MILLION DOLLARS IS CREDITED TO THE STATE PUBLIC SCHOOL FUND
18 CREATED IN SECTION 22-54-114 FOR DISTRIBUTION AS PROVIDED IN THAT
19 SECTION;

20 (III) AFTER MONEY IN THE PUBLIC SCHOOL FUND HAS BEEN
21 APPROPRIATED OR CREDITED PURSUANT TO SUBSECTIONS (3)(j)(I) AND
22 (3)(j)(II) OF THIS SECTION, THE LESSER OF ALL INTEREST AND INCOME OR
23 THIRTY-SIX MILLION DOLLARS IS CREDITED TO THE RESTRICTED ACCOUNT
24 OF THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND
25 CREATED IN SECTION 22-43.7-104 (5) FOR USE AS PROVIDED IN THAT
26 SECTION; AND

27 (IV) ANY ADDITIONAL INTEREST AND INCOME REMAINING IN THE

1 PUBLIC SCHOOL FUND MAY BE CREDITED AS SPECIFIED BY THE GENERAL
2 ASSEMBLY, TAKING INTO CONSIDERATION THE RECOMMENDATIONS OF THE
3 PUBLIC SCHOOL FUND INVESTMENT BOARD DESCRIBED IN SECTION
4 22-41-102.5 (4)(a)(III), OR, IF NOT CREDITED PURSUANT TO THIS
5 SUBSECTION (3)(j)(IV), REMAINS IN THE PUBLIC SCHOOL FUND.

6 (k) FOR THE 2026-27 STATE FISCAL YEAR AND EACH STATE FISCAL
7 YEAR THEREAFTER, INTEREST AND INCOME EARNED ON THE INVESTMENT
8 OF THE MONEY IN THE PUBLIC SCHOOL FUND MUST BE USED OR CREDITED
9 AS FOLLOWS:

10 (I) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO
11 THE STATE TREASURER AN AMOUNT NECESSARY TO PAY FOR THE SERVICES
12 OF THE INVESTMENT CONSULTANT HIRED BY THE PUBLIC SCHOOL FUND
13 INVESTMENT BOARD PURSUANT TO SECTION 22-41-102.5 (5) AND TO PAY
14 FOR ANY REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES
15 INCURRED BY THE MEMBERS OF THE PUBLIC SCHOOL FUND INVESTMENT
16 BOARD PURSUANT TO SECTION 22-41-102.5 (2);

17 (II) AFTER MONEY IN THE PUBLIC SCHOOL FUND HAS BEEN
18 APPROPRIATED PURSUANT TO SUBSECTION (3)(k)(I) OF THIS SECTION, THE
19 LESSER OF ALL INTEREST AND INCOME OR FORTY-ONE MILLION DOLLARS
20 IS CREDITED TO THE RESTRICTED ACCOUNT OF THE PUBLIC SCHOOL
21 CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION
22 22-43.7-104 (5) FOR USE AS PROVIDED IN THAT SECTION; AND

23 (III) ANY ADDITIONAL INTEREST AND INCOME REMAINING IN THE
24 PUBLIC SCHOOL FUND MAY BE CREDITED AS SPECIFIED BY THE GENERAL
25 ASSEMBLY, TAKING INTO CONSIDERATION THE RECOMMENDATIONS OF THE
26 PUBLIC SCHOOL FUND INVESTMENT BOARD DESCRIBED IN SECTION
27 22-41-102.5 (4)(a)(III), OR, IF NOT CREDITED PURSUANT TO THIS

1 SUBSECTION (3)(k)(III), REMAINS IN THE PUBLIC SCHOOL FUND.

2 SECTION 11. In Colorado Revised Statutes, 22-43.7-104,
3 amend (2)(d) as follows:

4 22-43.7-104. Public school capital construction assistance fund
5 - creation - crediting of money to fund - use of fund - emergency
6 reserve - creation - reserve account - creation and use. (2) (d) (I) For

7 the state fiscal year commencing July 1, 2018, the state treasurer,
8 as provided in section 39-28.8-305 (1)(a), shall credit to the assistance
9 fund the greater of the first forty million dollars received and collected
10 from the excise tax on retail marijuana imposed pursuant to part 3 of
11 article 28.8 of title 39 or ninety percent of the money received and
12 collected from the tax. For the state fiscal year commencing July 1, 2019,
13 and for each state fiscal year thereafter except for the state fiscal year
14 commencing July 1, 2020, the state treasurer, as provided in section
15 39-28.8-305 (1)(a), shall annually credit to the assistance fund all of the
16 money received and collected from the excise tax on retail marijuana
17 imposed pursuant to part 3 of article 28.8 of title 39. For the state fiscal
18 year commencing July 1, 2020, the state treasurer, as provided in section
19 39-28.8-305 (1)(a), shall credit to the assistance fund the lesser of the first
20 forty million dollars received and collected from the excise tax on retail
21 marijuana imposed pursuant to part 3 of article 28.8 of title 39 or all of
22 the money received and collected from the tax. For state fiscal years
23 commencing before July 1, 2019, the state treasurer shall credit twelve
24 and five-tenths percent of the amount annually credited pursuant to this
25 subsection (2)(d) to the charter school facilities assistance account, which
26 account is created within the assistance fund. For each state fiscal year
27 commencing on or after July 1, 2019, the state treasurer shall credit to the

1 charter school facilities assistance account a percentage of the amount
2 credited pursuant to this subsection (2)(d) that is equal to the percentage
3 of pupil enrollment, as defined in section 22-54-103 (10), statewide
4 represented by pupils who were enrolled in charter schools for the prior
5 school year. The department of education shall notify the state treasurer
6 of the applicable percentage no later than June 1 of the immediately
7 preceding fiscal year.

8 (II) IN ADDITION TO THE CREDIT MADE TO THE CHARTER SCHOOL
9 FACILITIES ASSISTANCE ACCOUNT PURSUANT TO SUBSECTION (2)(d)(I) OF
10 THIS SECTION, THE STATE TREASURER SHALL CREDIT THE FOLLOWING
11 AMOUNTS TO THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT
12 FROM THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND:

13 (A) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2024,
14 ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS;

15 (B) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2025,
16 TWELVE MILLION DOLLARS;

17 (C) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2026,
18 THIRTEEN MILLION DOLLARS;

19 (D) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2027,
20 FOURTEEN MILLION DOLLARS; AND

21 (E) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2028,
22 FIFTEEN MILLION DOLLARS.

23 (III) IF ELIGIBILITY CRITERIA ARE SATISFIED, THE DEPARTMENT
24 SHALL APPLY FOR A STATE CHARTER SCHOOL FACILITIES INCENTIVE GRANT
25 AWARDED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

26 **SECTION 12.** In Colorado Revised Statutes, 22-43.7-110,
27 **amend** (2)(a)(VII) and (2)(a)(VIII); and **add** (2)(a)(IX) as follows:

1 **22-43.7-110. Financial assistance - grants - financed purchase**
2 **of an asset agreements.** (2) Subject to the following requirements and
3 limitations, the board may also instruct the state treasurer to enter into
4 financed purchase of an asset or certificate of participation agreements on
5 behalf of the state to provide financial assistance to applicants by
6 financing public school facility capital construction projects for which the
7 state board has recommended and the capital development committee has
8 authorized the provision of financial assistance that involves a financed
9 purchase of an asset or certificate of participation agreement pursuant to
10 section 22-43.7-109 (7):

11 (a) Subject to the limitation specified in subsection (2)(b) of this
12 section, the maximum total amount of annual payments payable by the
13 state during any fiscal year under the terms of all outstanding financed
14 purchase of an asset or certificate of participation agreements entered into
15 by the state treasurer as instructed by the board pursuant to this subsection
16 (2) is:

17 (VII) One hundred five million dollars for the 2019-20 fiscal year;
18 **and**

19 (VIII) One hundred twenty-five million dollars for the 2020-21
20 fiscal year and for each fiscal year thereafter THROUGH THE 2023-24
21 FISCAL YEAR; AND

22 (IX) ONE HUNDRED FIFTY MILLION DOLLARS FOR THE 2024-25
23 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER.

24 **SECTION 13.** In Colorado Revised Statutes, 22-43.7-111, **add**
25 **(1)(f)** as follows:

26 **22-43.7-111. Reporting requirements - auditing by state**
27 **auditor.** (1) Notwithstanding section 24-1-136 (11)(a)(I), no later than

1 February 15, 2010, and no later than each February 15 thereafter, the
2 board shall present a written report to the education and finance
3 committees of the house of representatives and the senate and the capital
4 development committee, or any successor committees, regarding the
5 provision of financial assistance to applicants pursuant to this article 43.7.

6 The report must include, at a minimum:

7 (f) BEGINNING IN THE REPORT DUE NO LATER THAN FEBRUARY 15,
8 2026, AND CONTINUING ANNUALLY PURSUANT TO SUBSECTION (1) OF THIS
9 SECTION, IN ADDITION TO THE REPORTING REQUIREMENTS DESCRIBED IN
10 SUBSECTIONS (1)(a) THROUGH (1)(e) OF THIS SECTION, THE REPORT MUST
11 ALSO SEPARATELY SPECIFY ALL THE INFORMATION DESCRIBED IN
12 SUBSECTIONS (1)(a) THROUGH (1)(e) OF THIS SECTION AS EACH RELATES
13 TO CHARTER SCHOOLS, AS APPLICABLE.

14 ■ ■ ■

15 **SECTION 14.** In Colorado Revised Statutes, **repeal** 22-54-104.1.

16 **SECTION 15.** In Colorado Revised Statutes, 22-54-104.2,
17 **amend** (1); and **repeal** (2) as follows:

18 **22-54-104.2. Legislative declaration.** (1) The general assembly
19 hereby finds and declares that, for purposes of section 17 of article IX of
20 the state constitution, ~~the expansion of the definition of "at-risk pupils",~~
21 ~~as defined in section 22-54-103 (1.5)(a)(V), to include district pupils who~~
22 ~~are English language learners, as defined in section 22-54-103~~
23 ~~(1.5)(b)(IV);~~ the increase in the at-risk factor pursuant to section
24 22-54-104 (5)(f)(II) for districts whose percentage of at-risk pupils is
25 greater than the statewide average percentage of at-risk pupils and whose
26 funded pupil count is greater than fifty thousand, the requirement that
27 districts that receive at-risk funding spend a portion of their at-risk

1 funding on implementation of the district's English language proficiency
2 program pursuant to section 22-54-105 (3)(b)(I) and the increase in the
3 at-risk factor from 11.2% to 12% for the 2005-06 budget year and each
4 budget year thereafter pursuant to section 22-54-104 ~~(2)(b)(H)(A)~~
5 (2)(b)(II) and (5)(f) are important elements of accountable programs to
6 meet state academic standards and may therefore receive funding from
7 the state education fund created in section 17 (4) of article IX of the state
8 constitution.

9 (2) ~~The general assembly further finds and declares that, for~~
10 ~~purposes of section 17 of article IX of the state constitution, the~~
11 ~~enactment of the definition of "at-risk funded pupil count", as defined in~~
12 ~~section 22-54-103 (1), to allow up to three-year averaging of the number~~
13 ~~of at-risk pupils, is an important element of accountable education reform~~
14 ~~and may therefore receive funding from the state education fund created~~
15 ~~in section 17 (4) of article IX of the state constitution.~~

16 **SECTION 16.** In Colorado Revised Statutes, 22-54-104.3,
17 **amend** (2.7)(a), (2.7)(d)(I) introductory portion, and (2)(d)(I)(A); and
18 **repeal** (3) and (5) as follows:

19 **22-54-104.3. Total program for budget years - special**
20 **provisions.** (2.7) (a) ~~For the 1997-98 budget year and budget years~~
21 ~~thereafter,~~ Notwithstanding the provisions of section 22-54-104 (2) and
22 ~~(6)~~ THIS ARTICLE 54, a district's total program for the applicable budget
23 year ~~shall~~ **MUST** not exceed the district's total program for the prior budget
24 year multiplied by ~~100%~~ **ONE HUNDRED PERCENT** plus the district's
25 maximum annual percentage change in the applicable fiscal year
26 spending.

27 (d) (I) ~~For the 1998-99 budget year and budget years thereafter,~~

1 If a district's total program is calculated pursuant to ~~paragraph (a) of this~~
2 ~~subsection (2.7)~~ SUBSECTION (2.7)(a) OF THIS SECTION and the district is
3 capable of receiving an increase in its total program within the limitations
4 on its fiscal year spending for the applicable budget year under section 20
5 of article X of the state constitution, the district may certify to the
6 department that it may receive an additional increase in its total program
7 for the applicable budget year in an amount equal to the lesser of:

8 (A) The difference between the district's total program for the
9 applicable budget year calculated pursuant to ~~paragraph (a) of this~~
10 ~~subsection (2.7)~~ SUBSECTION (2.7)(a) OF THIS SECTION and the district's
11 total program for the applicable budget year ~~calculated~~ DETERMINED
12 pursuant to ~~section 22-54-104 (2) or (6)~~ THIS ARTICLE 54; or

13 (3) ~~Notwithstanding the provisions of section 22-54-104 (2), for~~
14 ~~the 1994-95 budget year, if a district's 1994-95 total formula per pupil~~
15 ~~funding is less than the district's 1993-94 total per pupil funding, the total~~
16 ~~program for such district shall be calculated in accordance with the~~
17 ~~following formula:~~

18 (a) ~~If the district's 1994-95 funded pupil count is equal to or less~~
19 ~~than the district's 1993-94 funded pupil count, the formula shall be:~~

20 ~~District 1993-94 funded pupil count x District 1993-94 total per~~
21 ~~pupil funding.~~

22 (b) ~~If the district's 1994-95 funded pupil count is greater than the~~
23 ~~district's 1993-94 funded pupil count, the formula shall be:~~

24 ~~District 1993-94 total funding + ((District 1994-95 funded pupil~~
25 ~~count - District 1993-94 funded pupil count) x District 1994-95~~
26 ~~total formula per pupil funding).~~

27 (5) ~~For purposes of subsection (3) of this section and section~~

1 ~~22-54-104 (6):~~

2 ~~(a) to (d) Repealed.~~

3 ~~(c) A district's "prior year total per pupil funding" means the~~
4 ~~amount which results from dividing the district's prior year total program~~
5 ~~by the district's prior year funded pupil count.~~

6 ~~(f) A district's "total formula per pupil funding" means the total~~
7 ~~program for a district for the applicable budget year, as calculated~~
8 ~~pursuant to section 22-54-104 (2), divided by the district's funded pupil~~
9 ~~count for the applicable budget year.~~

10 ~~(g) (Deleted by amendment, L. 95, p. 613, § 15, effective May 22,~~
11 ~~1995.)~~

12 **SECTION 17.** In Colorado Revised Statutes, 22-54-105, **amend**
13 **(3)(a); and repeal (3)(b) as follows:**

14 **22-54-105. Instructional supplies and materials - capital**
15 **reserve and insurance reserve - at-risk funding - preschool funding.**

16 (3) (a) For the 1997-98 budget year and budget years thereafter, Every
17 district that receives at-risk funding pursuant to ~~the provisions of section~~
18 ~~22-54-104~~ THIS ARTICLE 54 shall expend in total at least seventy-five
19 percent of the district's at-risk funding on direct instruction or staff
20 development, or both, for the educational program of at-risk pupils in the
21 district.

22 (b) ~~(f) Notwithstanding the provisions of paragraph (a) of this~~
23 ~~subsection (3), for the 2001-02 budget year and budget years thereafter,~~
24 ~~any district that receives at-risk funding pursuant to section 22-54-104~~
25 ~~and qualifies for a higher at-risk factor as provided in section 22-54-104~~
26 ~~(5)(f)(II) shall expend an amount calculated pursuant to subparagraph (II)~~
27 ~~of this paragraph (b) on implementation of the district's English language~~

1 proficiency program as provided in article 24 of this title. It is the intent
2 of the general assembly that each school district expend said amount on
3 English language proficiency programs that are either taught in English
4 or that are designed to move students as quickly as possible into programs
5 taught in English. The district shall expend at least seventy-five percent
6 of the remaining amount of at-risk funding received on direct instruction
7 or staff development, or both, for the educational program of at-risk
8 pupils in the district.

9 (H) ~~The amount of at-risk funding expended pursuant to~~
10 ~~subparagraph (I) of this paragraph (b) shall be equal to the difference~~
11 ~~between the amount of at-risk funding generated by an increase in the~~
12 ~~at-risk factor of 0.36 of a percentage point versus an increase of 0.34 of~~
13 ~~a percentage point for each percentage point that the district percentage~~
14 ~~of at-risk pupils exceeds the statewide average percentage of at-risk~~
15 ~~pupils.~~

16 **SECTION 18.** In Colorado Revised Statutes, 22-54-106, **amend**
17 (2.1)(c)(I) and (2.1)(e)(II); and **repeal** (2) as follows:

18 **22-54-106. Local and state shares of district total program -**
19 **legislative declaration - definition - repeal.** (2) (a) ~~Except as provided~~
20 ~~in subsection (2)(c) of this section for reorganized districts, for the 2007~~
21 ~~property tax year and property tax years thereafter through the 2019~~
22 ~~property tax year, each district shall levy the lesser of:~~

23 (I) ~~The number of mills levied by the district for the immediately~~
24 ~~preceding property tax year;~~

25 (H) (A) ~~Subject to the provisions of sub-subparagraph (B) of this~~
26 ~~subparagraph (H), the number of mills that will generate property tax~~
27 ~~revenue in an amount equal to the district's total program for the~~

1 applicable budget year minus the amount of specific ownership tax
2 revenue paid to the district.

3 (B) Regardless of the applicability of section 22-54-104 (5)(g), for
4 the purposes of this subparagraph (H), a district's total program shall be
5 the amount calculated pursuant to section 22-54-104 (2).

6 (H) For a district that has not obtained voter approval to retain
7 and spend revenues in excess of the property tax revenue limitation
8 imposed on the district by section 20 of article X of the state constitution,
9 the number of mills that may be levied by the district under the property
10 tax revenue limitation imposed on the district by section 20 of article X
11 of the state constitution. In the calculation of local growth for purposes
12 of determining the property tax revenue limitation imposed on a district
13 under this subparagraph (H), a district's student enrollment shall be the
14 district's funded pupil count.

15 (I) Repealed.

16 (J) Twenty-seven mills.

17 (b) (I) (A) If a district's total program for the 1994-95 budget year
18 was calculated pursuant to section 22-54-104.3, for the 1995 property tax
19 year, the levy calculated pursuant to paragraph (a) of this subsection (2)
20 shall be reduced by the number of mills required to generate the
21 difference between the district's total program for the 1994-95 budget
22 year, as calculated pursuant to section 22-54-104.3 (3), and the district's
23 total program for the 1994-95 budget year, as calculated pursuant to
24 section 22-54-104 (2). The amount by which property tax revenue is
25 reduced pursuant to this paragraph (b) shall be counted toward the
26 limitation on additional local revenues as provided in section 22-54-108
27 (3).

1 ~~(B) Notwithstanding the provisions of sub-subparagraph (A) of~~
2 ~~this subparagraph (I), if the mill levy was calculated pursuant to~~
3 ~~subparagraph (H) of paragraph (a) of this subsection (2), the difference~~
4 ~~between the district's total program for the 1994-95 budget year, as~~
5 ~~calculated pursuant to section 22-54-104.3 (3), and the district's total~~
6 ~~program for the 1994-95 budget year, as calculated pursuant to section~~
7 ~~22-54-104 (2), shall be added to the total program as calculated pursuant~~
8 ~~to section 22-54-104 (2) to calculate the levy pursuant to this~~
9 ~~subparagraph (I):~~

10 ~~(H) If after calculating the mill levy pursuant to subparagraph (I)~~
11 ~~of this paragraph (b) the district's levy exceeds 41.75 mills, the district~~
12 ~~shall levy 41.75 mills:~~

13 ~~(H) For the 1995-96 budget year, if the amount of property tax~~
14 ~~generated for the 1994-95 budget year by the number of mills by which~~
15 ~~the mills levied by the district for the 1994-95 budget year exceeded~~
16 ~~40.080 mills was equal to or exceeded the difference between the~~
17 ~~district's total program for the 1994-95 budget year, as calculated~~
18 ~~pursuant to section 22-54-104.3 (3), and the district's total program for the~~
19 ~~1994-95 budget year, as calculated pursuant to section 22-54-104 (2), the~~
20 ~~district may levy the difference between the levy pursuant to~~
21 ~~subparagraph (I) and subparagraph (H) of this paragraph (b). For the~~
22 ~~1996-97 budget year and budget years thereafter, the district may continue~~
23 ~~to impose a mill levy that will generate the amount of revenue produced~~
24 ~~by the calculation described in this subparagraph (H) for the 1995-96~~
25 ~~budget year. The amount of property tax generated pursuant to this~~
26 ~~subparagraph (H) shall be counted toward the limitation on additional~~
27 ~~local revenues as provided in section 22-54-108 (3)(f).~~

1 ~~(c)(I) Notwithstanding any other provision of this subsection (2),~~
2 ~~if there is a reorganization pursuant to article 30 of this title, except for a~~
3 ~~detachment and annexation, and if such reorganization involves districts~~
4 ~~with differing mill levies, then in its first year of operation, the new~~
5 ~~district shall levy a number of mills that is based on the total property~~
6 ~~taxes collected in the preceding year from property included within the~~
7 ~~new district divided by the total valuation for assessment in the preceding~~
8 ~~year of property located within the new district but in no event more than~~
9 ~~41.75 mills. This paragraph (c) shall not apply to any new district whose~~
10 ~~levy would otherwise be calculated pursuant to subparagraph (H) of~~
11 ~~paragraph (a) of this subsection (2).~~

12 ~~(H) If there is a detachment and annexation pursuant to article 30~~
13 ~~of this title and if such detachment and annexation involves districts with~~
14 ~~differing mill levies, then in the first year after the detachment and~~
15 ~~annexation, the annexing district shall calculate its levy pursuant to~~
16 ~~paragraph (a) of this subsection (2).~~

17 (2.1) (c) For the 2021 property tax year and each property tax year
18 thereafter, except as otherwise provided in subsection (2.1)(e) of this
19 section for reorganized districts, each district shall levy the lesser of:

20 (I) The number of mills that will generate property tax revenue in
21 an amount equal to the district's total program for the applicable budget
22 year minus the amount of specific ownership tax revenue paid to the
23 district. ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~
24 ~~the purposes of this subsection (2.1)(c)(I), a district's total program is the~~
25 ~~amount calculated pursuant to section 22-54-104 (2).~~

26 (e) Notwithstanding any other provision of this subsection (2.1)
27 to the contrary, for the 2020 property tax year and each property tax year

1 thereafter, if there is a reorganization pursuant to article 30 of this title 22
2 that results in the creation of a new district, then in the first year of
3 operation the new district shall levy the lesser of:

4 (II) The number of mills that will generate property tax revenue
5 in an amount equal to the district's total program for the first year of
6 operation minus the amount of specific ownership tax revenue paid to the
7 district. ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~
8 ~~the purposes of this subsection (2.1)(c)(II), the district's total program is~~
9 ~~the amount calculated pursuant to section 22-54-104 (2).~~

10 **SECTION 19.** In Colorado Revised Statutes, **add 22-54-107.7** as
11 follows:

12 **22-54-107.7. Override mill levy match - working group -**
13 **creation - report - repeal.** (1) THERE IS CREATED BY THE LEGISLATIVE
14 COUNCIL STAFF AN OVERRIDE MILL LEVY MATCH WORKING GROUP TO
15 MEET DURING THE 2024 INTERIM AND MAKE RECOMMENDATIONS
16 CONCERNING MODIFYING THE OVERRIDE MILL LEVY MATCH, CREATED
17 PURSUANT TO SECTION 22-54-107.9, TO ENSURE MORE EQUITABLE
18 FUNDING DISTRIBUTIONS AND GREATER ACCESS TO FUNDING FOR ELIGIBLE
19 DISTRICTS AND ELIGIBLE INSTITUTE CHARTER SCHOOLS, MAKE
20 RECOMMENDATIONS CONCERNING WHICH ELIGIBLE DISTRICTS AND
21 ELIGIBLE INSTITUTE CHARTER SCHOOLS WILL RECEIVE A DISTRIBUTION
22 FROM THE MILL LEVY OVERRIDE MATCH FUND PURSUANT TO SECTION
23 22-54-107.9 FOR THE 2024-25 BUDGET YEAR, AND TO IDENTIFY AND
24 ANALYZE INEQUITIES BETWEEN NEIGHBORING DISTRICTS THAT HAVE
25 DIFFERING MILL LEVY OVERRIDES, LEVELS OF PROPERTY TAX BASES, OR
26 DEMONSTRATED LEVELS OF LOCAL EFFORT.

27 (2) (a) THE OVERRIDE MILL LEVY MATCH WORKING GROUP MUST

1 INCLUDE:

2 (I) SEVEN NONLEGISLATIVE MEMBERS WHO ARE CHIEF FINANCIAL
3 OFFICERS APPOINTED AS FOLLOWS:

4 (A) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
5 APPOINT ONE MEMBER WHO IS A CHIEF FINANCIAL OFFICER OF A RURAL
6 DISTRICT, ONE MEMBER WHO IS A CHIEF FINANCIAL OFFICER OF A SMALL
7 RURAL DISTRICT, ONE MEMBER WHO IS A CHIEF FINANCIAL OFFICER OF A
8 SUBURBAN DISTRICT, AND ONE MEMBER WHO IS A CHIEF FINANCIAL
9 OFFICER OF AN URBAN DISTRICT LOCATED IN OR NEAR THE DENVER
10 METROPOLITAN AREA; AND

11 (B) THE SENATE MINORITY LEADER SHALL APPOINT ONE MEMBER
12 WHO IS THE CHIEF FINANCIAL OFFICER OF A RURAL DISTRICT, ONE MEMBER
13 WHO IS THE CHIEF FINANCIAL OFFICER OF A SUBURBAN DISTRICT, AND ONE
14 MEMBER WHO IS THE CHIEF FINANCIAL OFFICER OF AN URBAN DISTRICT
15 THAT IS NOT LOCATED IN OR NEAR THE DENVER METROPOLITAN AREA.

16 (II) ONE MEMBER OF THE MAJORITY PARTY IN THE HOUSE OF
17 REPRESENTATIVES, APPOINTED BY THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES, WHO SHALL SERVE AS THE CHAIR; AND

19 (III) ONE MEMBER OF THE MINORITY PARTY IN THE SENATE,
20 APPOINTED BY THE MINORITY LEADER OF THE SENATE, WHO SHALL SERVE
21 AS THE VICE-CHAIR.

22 (b) LEGISLATIVE COUNCIL STAFF SHALL ASSIST THE OVERRIDE MILL
23 LEVY MATCH WORKING GROUP IN FULFILLING ITS DUTIES REQUIRED
24 PURSUANT TO THIS SECTION.

25 (3) (a) THE OVERRIDE MILL LEVY MATCH WORKING GROUP SHALL
26 NOT SUBMIT BILL DRAFTS AS PART OF ITS RECOMMENDATIONS.

27 (b) MEETINGS OF THE OVERRIDE MILL LEVY MATCH WORKING

1 GROUP ARE SUBJECT TO THE OPEN MEETINGS PROVISIONS CONTAINED IN
2 PART 4 OF ARTICLE 6 OF TITLE 24. EXCEPT AS OTHERWISE PROVIDED IN
3 PART 2 OF ARTICLE 72 OF TITLE 24, OR OTHER APPLICABLE STATE OR
4 FEDERAL LAW, RECORDS OF THE OVERRIDE MILL LEVY MATCH WORKING
5 GROUP ARE SUBJECT TO PART 2 OF ARTICLE 72 OF TITLE 24.

6 (4) THE OVERRIDE MILL LEVY MATCH WORKING GROUP MUST MEET
7 AT LEAST THREE TIMES BUT NO MORE THAN FIVE TIMES DURING THE 2024
8 LEGISLATIVE INTERIM, UNLESS ADDITIONAL MEETINGS ARE AUTHORIZED
9 BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.

10 (5) ON OR BEFORE DECEMBER 31, 2024, THE OVERRIDE MILL LEVY
11 MATCH WORKING GROUP SHALL SUBMIT A REPORT TO THE EXECUTIVE
12 COMMITTEE OF THE LEGISLATIVE COUNCIL, THE EDUCATION COMMITTEES
13 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
14 COMMITTEES, AND THE JOINT BUDGET COMMITTEE CONCERNING ITS
15 RECOMMENDATIONS TO MODIFY THE OVERRIDE MILL LEVY MATCH.

16 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

17 **SECTION 20.** In Colorado Revised Statutes, 22-54-107.9,
18 **amend** (3)(b)(II); and **repeal** (1)(l) as follows:

19 **22-54-107.9. Override mill levy match - calculation -**
20 **distribution - fund created - definitions.** (1) As used in this section,
21 unless the context otherwise requires:

22 (l) ~~"Total program" means the amount of total program funding~~
23 ~~for a district calculated pursuant to section 22-54-104 (2) before~~
24 ~~application of the budget stabilization factor.~~

25 (3) (b) If more than ten percent of a district's funded pupil count
26 for the applicable budget year is attributable to the district's online pupil
27 enrollment, the department shall calculate the district's adjusted total

1 program as follows:

2 (II) The department shall subtract from the district's total program
3 for the applicable budget year an amount equal to the district's reduced
4 online pupil enrollment, calculated pursuant to subsection (3)(b)(I) of this
5 section, multiplied by the per pupil online funding amount for the
6 applicable budget year as described in ~~section 22-54-104 (4.5)(c)(II)~~
7 ~~before application of the budget stabilization factor~~ THIS ARTICLE 54.

8 **SECTION 21.** In Colorado Revised Statutes, 22-54-108, **amend**
9 (1), (2), (3)(a), (3)(b)(I), (3)(b)(II), (3)(b)(III), (3)(b)(IV)(A),
10 (3)(b)(IV)(B), and (5)(b); and **add** (3)(b)(VI) as follows:

11 **22-54-108. Authorization of additional local revenues -**
12 **definitions.** (1) Effective July 1, 1994, a district which desires to raise
13 and expend local property tax revenues in excess of the district's total
14 program ~~as determined in accordance with section 22-54-104~~ may submit
15 the question of whether the district should be authorized to raise and
16 expend additional local property tax revenues, subject to the limitations
17 of subsection (3) of this section, thereby authorizing an additional levy in
18 excess of the levy authorized under section 22-54-106 for the district's
19 general fund for the then current budget year and each budget year
20 thereafter. The question authorized by this subsection (1) ~~shall~~ **MUST** be
21 submitted at an election held in accordance with section 20 of article X
22 of the state constitution and title 1. ~~C.R.S.~~

23 (2) Effective July 1, 1994, upon proper submittal to a district of
24 a valid initiative petition, the district shall submit to the eligible electors
25 of the district the question of whether the district should be authorized to
26 raise and expend additional local property tax revenues in excess of the
27 district's total program, ~~as determined in accordance with section~~

1 ~~22-54-104~~, subject to the limitations of subsection (3) of this section,
2 thereby authorizing an additional levy in excess of the levy authorized
3 under section 22-54-106 for the district's general fund for the then current
4 budget year and each budget year thereafter. The question authorized by
5 this subsection (2) ~~shall~~ MUST be submitted at an election held in
6 accordance with section 20 of article X of the state constitution and title
7 1. C.R.S. An initiative petition under this subsection (2) ~~shall~~ MUST be
8 signed by at least five percent of the eligible electors in the district at the
9 time the petition is filed.

10 (3) (a) Notwithstanding the provisions of section 20 of article X
11 of the state constitution which allow districts to seek voter approval for
12 spending and revenue increases, ~~the provisions of this subsection (3) shall~~
13 ~~limit~~ LIMITS a district's authority to raise and expend local property tax
14 revenues in excess of the district's total program. ~~as determined in~~
15 ~~accordance with section 22-54-104.~~

16 (b) (I) Except as otherwise provided in subsections (3)(b)(II),
17 (3)(b)(III), (3)(b)(IV), ~~and (3)(b)(V), AND (3)(b)(VI)~~ of this section, the
18 total additional local property tax revenues that may be received pursuant
19 to elections held pursuant to this section must not exceed under any
20 circumstances twenty percent of the district's total program ~~as determined~~
21 ~~pursuant to section 22-54-104 (2)~~ or two hundred thousand dollars,
22 whichever is greater.

23 (II) (A) Effective July 1, 2002, ~~and subject to the provisions of~~
24 ~~sub-subparagraph (B) of this subparagraph (H)~~, the total additional local
25 property tax revenues that may be received pursuant to elections held
26 pursuant to this section ~~shall~~ MUST not exceed under any circumstances
27 twenty percent of the district's total program ~~as determined pursuant to~~

1 ~~section 22-54-104 (2)~~ or two hundred thousand dollars, whichever is
2 greater, plus an amount equal to the maximum dollar amount of property
3 tax revenue that the district could have generated for the 2001-02 budget
4 year if, in accordance with the provisions of section 22-54-107.5, the
5 district submitted a question to and received approval of the eligible
6 electors of the district at an election held in November 2001.

7 (B) ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~
8 ~~the purposes of this subparagraph (H), a district's total program shall be~~
9 ~~the amount calculated pursuant to section 22-54-104 (2).~~

10 (III) (A) On and after May 21, 2009, ~~and subject to the provisions~~
11 ~~of sub-subparagraph (B) of this subparagraph (H),~~ the total additional
12 local property tax revenues that may be received pursuant to an election
13 held pursuant to this section ~~shall~~ MUST not exceed under any
14 circumstances twenty-five percent of the district's total program ~~as~~
15 ~~determined pursuant to section 22-54-104 (2)~~ or two hundred thousand
16 dollars, whichever is greater, plus an amount equal to the maximum dollar
17 amount of property tax revenue that the district could have generated for
18 the 2001-02 budget year if, in accordance with the provisions of section
19 22-54-107.5, the district submitted a question to and received approval of
20 the eligible electors of the district at an election held in November 2001.

21 (B) ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~
22 ~~purposes of this subparagraph (H), a district's total program shall be the~~
23 ~~amount calculated pursuant to section 22-54-104 (2).~~

24 (IV) (A) On and after May 22, 2015, ~~and subject to the provisions~~
25 ~~of sub-subparagraph (B) of this subparagraph (IV),~~ the total additional
26 local property tax revenues that a small rural district may receive pursuant
27 to an election held pursuant to this section ~~shall~~ MUST not exceed under

1 any circumstances thirty percent of the small rural district's total program
2 as determined pursuant to section 22-54-104 (2) or two hundred thousand
3 dollars, whichever is greater, plus an amount equal to the maximum dollar
4 amount of property tax revenue that the small rural district could have
5 generated for the 2001-02 budget year if, in accordance with the
6 provisions of section 22-54-107.5, the small rural district submitted a
7 question to and received approval of the eligible electors of the district at
8 an election held in November 2001.

9 (B) ~~Regardless of the applicability of section 22-54-104 (5)(g), for~~
10 ~~purposes of this subparagraph (IV), a small rural district's total program~~
11 ~~is the amount calculated pursuant to section 22-54-104 (2):~~

12 (VI) (A) ON OR AFTER JULY 1, 2024, THE TOTAL ADDITIONAL
13 LOCAL PROPERTY TAX REVENUES THAT A DISTRICT OR SMALL RURAL
14 DISTRICT MAY RECEIVE PURSUANT TO AN ELECTION HELD PURSUANT TO
15 THIS SECTION MUST NOT EXCEED UNDER ANY CIRCUMSTANCE: THE
16 AMOUNT DETERMINED PURSUANT TO SUBSECTION (3)(b)(V) OF THIS
17 SECTION FOR THE 2023-24 BUDGET YEAR, OR THE AMOUNT DETERMINED
18 PURSUANT TO SUBSECTION (3)(b)(VI)(D) OF THIS SECTION, WHICHEVER IS
19 GREATER.

20 (B) FOR THE 2024-25 BUDGET YEAR, THE DEPARTMENT OF
21 EDUCATION, IN CONSULTATION WITH LEGISLATIVE COUNSEL STAFF, SHALL
22 CALCULATE FOR EACH DISTRICT THE AMOUNT EQUAL TO:

23 (DISTRICT'S PER PUPIL FUNDING DETERMINED PURSUANT TO
24 SECTION 22-54-104 (3) - STATEWIDE BASE PER PUPIL FUNDING) X
25 DISTRICT'S FUNDED PUPIL COUNT FOR THE 2024-25 BUDGET YEAR
26 EXCLUDING THE DISTRICT'S ONLINE PUPIL ENROLLMENT AND THE
27 DISTRICT'S EXTENDED HIGH SCHOOL PUPIL ENROLLMENT

1 + (DISTRICT'S PER PUPIL FUNDING DETERMINED PURSUANT TO
2 SECTION 22-54-104 (3) - STATEWIDE BASE PER PUPIL FUNDING) X
3 DISTRICT'S AT-RISK PUPIL ENROLLMENT FOR THE 2024-25 BUDGET
4 YEAR X TWELVE PERCENT
5 + (DISTRICT'S PER PUPIL FUNDING DETERMINED PURSUANT TO
6 SECTION 22-54-104 (3) - STATEWIDE BASE PER PUPIL FUNDING) X
7 DISTRICT'S ENGLISH LANGUAGE LEARNER PUPIL ENROLLMENT FOR
8 THE 2024-25 BUDGET YEAR X EIGHT PERCENT.

9 (C) FOR THE 2024-25 BUDGET YEAR, THE DEPARTMENT OF
10 EDUCATION, IN CONSULTATION WITH LEGISLATIVE COUNCIL STAFF, SHALL
11 CALCULATE FOR EACH DISTRICT THE AMOUNT EQUAL TO THE DISTRICT'S
12 COST OF LIVING FACTOR PLUS THE DISTRICT'S SIZE FACTOR FOR THE
13 2024-25 BUDGET YEAR CALCULATED PURSUANT TO SECTION 22-54-103.5
14 MULTIPLIED BY THE STATEWIDE BASE PER PUPIL FUNDING FOR THE 2024-25
15 BUDGET YEAR MULTIPLIED BY THE DISTRICT'S FUNDED PUPIL COUNT FOR
16 THE 2024-25 BUDGET YEAR EXCLUDING THE DISTRICT'S ONLINE PUPIL
17 ENROLLMENT AND THE DISTRICT'S EXTENDED HIGH SCHOOL PUPIL
18 ENROLLMENT.

19 (D) THE DEPARTMENT OF EDUCATION SHALL COMPARE FOR EACH
20 DISTRICT THE AMOUNTS CALCULATED PURSUANT TO SUBSECTIONS
21 (3)(b)(VI)(B) AND (3)(b)(VI)(C) OF THIS SECTION. IF THE AMOUNT
22 CALCULATED PURSUANT TO SUBSECTION (3)(b)(VI)(C) OF THIS SECTION
23 IS LESS THAN THE AMOUNT CALCULATED PURSUANT TO SUBSECTION
24 (3)(b)(VI)(B) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL
25 DETERMINE THE DOLLAR AMOUNT DIFFERENCE BETWEEN THE AMOUNTS
26 CALCULATED PURSUANT TO SUBSECTIONS (3)(b)(VI)(B) AND
27 (3)(b)(VI)(C) OF THIS SECTION DIVIDE THAT DOLLAR AMOUNT DIFFERENCE

1 BY THE DISTRICT'S TOTAL PROGRAM FOR THE 2024-25 BUDGET YEAR AND
2 ADD THAT PERCENTAGE TO THE DISTRICT'S MILL LEVY OVERRIDE CAP FOR
3 THE 2023-24 BUDGET YEAR.

4 (E) THE DEPARTMENT OF EDUCATION SHALL MAKE
5 DETERMINATIONS PURSUANT TO SUBSECTIONS (3)(b)(VI)(B),
6 (3)(b)(VI)(C), AND (3)(b)(VI)(D) OF THIS SECTION AFTER IT MAKES
7 MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES
8 WHEN DETERMINING EACH DISTRICT'S TOTAL PROGRAM FOR THE 2024-25
9 BUDGET YEAR.

10 (F) ON OR AFTER JULY 1, 2030, A DISTRICT SHALL NOT SUBMIT A
11 QUESTION TO THE ELIGIBLE ELECTORS OF THE DISTRICT PURSUANT TO THIS
12 SUBSECTION (3)(b)(VI).

13 (5) As used in this section, unless the context otherwise requires:

14 (b) "Total program", on and after July 1, 2023, means a district's
15 or small rural district's total program ~~calculated pursuant to section~~
16 ~~22-54-104 (2), before application of the budget stabilization factor~~
17 ~~pursuant to section 22-54-104 (5)(g)~~ plus the amount the district or small
18 rural district receives for students enrolled through the Colorado universal
19 preschool program pursuant to part 2 of article 4 of title 26.5.

20 **SECTION 22.** In Colorado Revised Statutes, 22-54-108.5,
21 **amend** (1)(a), (1)(b), and (1)(e) as follows:

22 **22-54-108.5. Authorization of additional local revenues for**
23 **full-day kindergarten - definitions.** (1) (a) Notwithstanding any law to
24 the contrary, effective July 1, 2007, any district that chooses to raise and
25 expend local property tax revenues in excess of the district's total
26 program, ~~as determined in accordance with section 22-54-104,~~ and in
27 addition to any property tax revenues levied pursuant to sections

1 22-54-107 and 22-54-108, may submit the question of whether the district
2 should be authorized to raise and expend additional local property tax
3 revenues, thereby authorizing an additional levy in excess of the levy
4 authorized under sections 22-54-106, 22-54-107, and 22-54-108, to
5 provide funding for excess full-day kindergarten program costs in the
6 district for the then-current budget year and each budget year thereafter.
7 The question authorized by this ~~paragraph (a)~~ SUBSECTION (1)(a) may also
8 include a question of whether to impose an additional mill levy of a stated
9 amount and limited duration to meet the initial capital construction needs
10 of the district associated with the establishment of a full-day kindergarten
11 program. If a mill levy for capital construction needs associated with the
12 district's full-day kindergarten program is approved for more than one
13 year, the board of education of the district may, without calling an
14 election, decrease the amount or duration of the mill levy in subsequent
15 years. The questions authorized by this ~~paragraph (a)~~ shall SUBSECTION
16 (1)(a) MUST be submitted at an election held in accordance with section
17 20 of article X of the state constitution and title 1. ~~C.R.S.~~

18 (b) Notwithstanding any law to the contrary, effective July 1,
19 2007, upon proper submittal to a district of a valid initiative petition, the
20 district shall submit to the eligible electors of the district the question of
21 whether the district should be authorized to raise and expend additional
22 local property tax revenues in excess of the district's total program, ~~as~~
23 ~~determined in accordance with section 22-54-104~~ and in addition to any
24 property tax revenues levied pursuant to sections 22-54-107 and
25 22-54-108, thereby authorizing an additional levy in excess of the levy
26 authorized under sections 22-54-106, 22-54-107, and 22-54-108, to
27 provide funding for excess full-day kindergarten program costs in the

1 district for the then-current budget year and each budget year thereafter.
2 The question authorized by this ~~paragraph (b)~~ SUBSECTION (1)(b) may
3 also include a question of whether to impose an additional mill levy of a
4 stated amount and limited duration to meet the initial capital construction
5 needs of the district associated with the establishment of a full-day
6 kindergarten program. If a mill levy for capital construction needs
7 associated with the district's full-day kindergarten program is approved
8 for more than one year, the board of education of the district may, without
9 calling an election, decrease the amount or duration of the mill levy in
10 subsequent years. The questions authorized by this ~~paragraph (b)~~ shall
11 SUBSECTION (1)(b) MUST be submitted at an election held in accordance
12 with section 20 of article X of the state constitution and title 1. ~~C.R.S.~~ An
13 initiative petition under this ~~paragraph (b)~~ shall SUBSECTION (1)(b) MUST
14 be signed by at least five percent of the eligible electors in the district at
15 the time the petition is filed.

16 (e) Notwithstanding the provisions of section 20 of article X of
17 the state constitution that allow districts to seek voter approval for
18 spending and revenue increases, the provisions of this subsection (1) shall
19 limit a district's authority to raise and expend local property tax revenues
20 in excess of the district's total program. ~~as determined in accordance with~~
21 ~~section 22-54-104.~~

22 **SECTION 23.** In Colorado Revised Statutes, 22-54-108.7,
23 **amend** (1)(a) as follows:

24 **22-54-108.7. Authorization of additional local revenues for**
25 **cash funding of capital construction, new technology, existing**
26 **technology upgrade, and maintenance needs - definition.**

27 (1) (a) Notwithstanding any law to the contrary, any district that chooses

1 to raise and expend local property tax revenue in excess of the district's
2 total program, ~~as determined in accordance with section 22-54-104,~~ and
3 in addition to any revenue generated by property tax levied pursuant to
4 sections 22-54-106, 22-54-107, 22-54-107.5, 22-54-108, and
5 22-54-108.5, may submit the question of whether the district should be
6 authorized to raise and expend additional local property tax revenue,
7 thereby authorizing an additional levy in excess of the levy authorized
8 under sections 22-54-106, 22-54-107, and 22-54-108, to provide ongoing
9 cash funding for the capital construction, new technology, existing
10 technology upgrade, and maintenance needs of the district. A question
11 authorized by this ~~paragraph (a)~~ SUBSECTION (1)(a) must be submitted at
12 an election held in accordance with section 20 of article X of the state
13 constitution and title 1. ~~C.R.S.~~

14 **SECTION 24.** In Colorado Revised Statutes, 22-54-122, **amend**
15 (2) as follows:

16 **22-54-122. Small attendance center aid.** (2) (a) A district
17 meeting the eligibility requirements of subsection (1) of this section ~~shall~~
18 ~~be~~ IS eligible to receive aid for each small attendance center as calculated
19 by: Multiplying the pupil enrollment of the small attendance center by an
20 amount equal to thirty-five percent of the difference between the district
21 per pupil funding ~~as calculated pursuant to section 22-54-104,~~ and the
22 district per pupil funding, ~~as calculated pursuant to section 22-54-104~~
23 except using the size factor calculated using the funded pupil count of the
24 small attendance center; and then multiplying ~~such~~ THE amount by the
25 percentage determined by dividing the difference between two hundred
26 and the funded pupil count of the small attendance center by two hundred.

27 (b) An institute charter school meeting the eligibility requirements

1 of subsection (1.5) of this section ~~shall be~~ IS eligible to receive aid as a
2 small attendance center as calculated by: Multiplying the pupil enrollment
3 of the institute charter school by an amount equal to thirty-five percent of
4 the difference between the district per pupil funding of the institute
5 charter school's accounting district ~~as calculated pursuant to section~~
6 ~~22-54-104~~ and ~~such~~ THE district per pupil funding, ~~as calculated pursuant~~
7 ~~to section 22-54-104~~, except using the size factor calculated using the
8 pupil enrollment of the institute charter school, and then multiplying such
9 amount by the percentage determined by dividing the difference between
10 two hundred and the pupil enrollment of the institute charter school by
11 two hundred.

12 **SECTION 25.** In Colorado Revised Statutes, 22-54-129, **amend**
13 (1)(g) as follows:

14 **22-54-129. Facility school funding - legislative declaration -**
15 **definitions.** (1) As used in this section, unless the context otherwise
16 requires:

17 (g) "Statewide base per pupil funding" means the amount annually
18 specified in ~~section 22-54-104 (5)(a)~~ THIS ARTICLE 54.

19 **SECTION 26.** In Colorado Revised Statutes, 19-1-115.5, **amend**
20 (1)(a)(I) as follows:

21 **19-1-115.5. Placement of children out of home - legislative**
22 **declaration.** (1) (a) (I) The general assembly hereby finds that the
23 number of children in out-of-home placement has increased significantly.
24 The general assembly further finds that the facility in which a child is
25 placed out of home is often not located in the same school district as the
26 child's school district of residence. Nevertheless, the general assembly
27 finds that, ~~under the provisions of~~ PURSUANT TO the "Public School

1 Finance Act of ~~1994~~ 2025", article 54 of title 22, ~~C.R.S.~~ children in foster
2 home placement are considered residents of the school district in which
3 the foster home is located. Accordingly, the school district in which the
4 child is placed must accommodate the child and provide the child with the
5 necessary educational services that serve the child's best interests while
6 absorbing the costs associated with such services within the constraints
7 of the school district's existing budget. The general assembly finds that in
8 many circumstances it is not possible to meet the best interests of the
9 child in out-of-home placement and the needs of other children enrolled
10 in the school district within the confines of the district's budget.

11 **SECTION 27.** In Colorado Revised Statutes, 22-1-122, **amend**
12 (6)(b) as follows:

13 **22-1-122. Transportation token program - legislative**
14 **declaration - eligibility - fund.** (6) (b) ~~So long as~~ IF an eligible student
15 is enrolled before the pupil enrollment count day, the parent or legal
16 guardian of an eligible student may choose to enroll the eligible student
17 in and transport the eligible student to a public school in another school
18 district that has available space. ~~Such~~ THE school district shall enroll the
19 eligible student and include the eligible student in the district's pupil
20 enrollment for purposes of the "Public School Finance Act of ~~1994~~ 2025".

21 **SECTION 28.** In Colorado Revised Statutes, 22-2-117, **amend**
22 (1)(b)(I) and (1)(d) as follows:

23 **22-2-117. Additional power - state board - waiver of**
24 **requirements - rules.** (1) (b) The state board shall not waive any of the
25 requirements specified in any of the following statutory provisions:

26 (I) The "Public School Finance Act of ~~1994~~ 2025", article 54 of
27 this ~~title~~ TITLE 22;

1 (d) In addition to any requirements for a waiver application that
2 are specified in this subsection (1), any application submitted by a school
3 district that has a funded pupil count, as ~~defined in section 22-54-103 (7)~~
4 DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22, of three
5 thousand or more pupils shall demonstrate that ~~such~~ THE application has
6 the consent of a majority of the appropriate accountability committee, a
7 majority of the affected licensed administrators, and a majority of the
8 teachers of the affected school or district.

9 **SECTION 29.** In Colorado Revised Statutes, 22-30-105, **amend**
10 (1) introductory portion and (1)(b) as follows:

11 **22-30-105. Activation of the school district organization**
12 **planning process.** (1) The appointment of a school organization
13 planning committee charged to study school district organization ~~shall~~
14 MUST occur when the commissioner is notified that any of the following
15 conditions exist:

16 (b) A petition committee, as defined in section 22-30-103 (10),
17 presents a petition to the commissioner and to the county clerk and
18 recorder of each county in which the headquarters of a school district that
19 will be affected by the actions of a planning committee are located
20 requesting the appointment of a school organization planning committee.
21 ~~Such~~ THE petition ~~shall~~ MUST contain a statement indicating the school
22 districts ~~to be~~ involved. If only one school district is involved, the petition
23 ~~shall~~ MUST be signed by fifteen percent of that school district's eligible
24 electors. If multiple school districts are involved, the petition ~~shall~~ MUST
25 be signed by fifteen percent of the eligible electors in each involved
26 school district; except that, if the petition requests only consideration of
27 detachment and annexation, the petition ~~shall~~ MUST be signed by

1 twenty-five percent of the eligible electors residing in the area to be
2 detached and annexed. If multiple school districts are involved, the
3 petition does not request consideration of a detachment and annexation,
4 and the pupil enrollment of a school district for purposes of the "Public
5 School Finance Act of ~~1994~~ 2025" is greater than thirty thousand pupils,
6 the petition ~~shall~~ MUST be signed by five percent of the eligible electors
7 in that school district. ~~Such petitions shall be~~ A PETITION IS deemed
8 sufficient by the county clerk and recorder in the county of each involved
9 school district. Only one ~~such~~ petition may be presented to the
10 commissioner and the county clerk and recorder in the county of each
11 involved school district in any three consecutive calendar years.

12 **SECTION 30.** In Colorado Revised Statutes, 22-30-114, **amend**
13 (1)(k) as follows:

14 **22-30-114. Requirements for plan of organization.** (1) The
15 plan of organization must include, but need not be limited to,
16 consideration of the following:

17 (k) If the plan of organization results in the creation of a new
18 school district, a source of operating funds to be used by the new school
19 district prior to receiving the state share of the total district program
20 pursuant to the "Public School Finance Act of ~~1994~~ 2025", article 54 of
21 this ~~title~~ TITLE 22, on July 1 of the new school district's first budget year.

22 **SECTION 31.** In Colorado Revised Statutes, **amend** 22-30-120.5
23 as follows:

24 **22-30-120.5. Effective date for purposes of school finance.**
25 Notwithstanding the provisions of section 22-30-120, for purposes of
26 determining funding ~~under~~ PURSUANT TO the "Public School Finance Act
27 of ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22, any plan of organization

1 approved at a special school district organization election ~~shall~~ MUST take
2 effect on the next July 1 following certification of the election results.

3 **SECTION 32.** In Colorado Revised Statutes, 22-30-129, **amend**
4 (7) as follows:

5 **22-30-129. Dissolution and annexation - exemptions from the**
6 **school district organization planning process.** (7) The dissolution and
7 annexation of a school district is effective for all purposes on the date
8 specified in the final plan of organization; except that, for purposes of
9 determining funding pursuant to the "Public School Finance Act of ~~1994~~
10 2025", article 54 of this title 22, a final plan of organization approved by
11 the affected local school boards pursuant to this section takes effect on
12 the next July 1 following submission of the map and legal description of
13 the annexing school districts to the commissioner pursuant to subsection
14 (6) of this section. The annexing school districts continue as bodies
15 corporate in the same manner as before approval of the organization plan.

16 **SECTION 33.** In Colorado Revised Statutes, 22-30.5-103,
17 **amend** (6.5) as follows:

18 **22-30.5-103. Definitions.** As used in this part 1, unless the
19 context otherwise requires:

20 (6.5) "Private school" means a primary or secondary educational
21 institution for students in kindergarten through twelfth grade or any
22 portion thereof that may or may not have attained nonprofit status, that
23 does not receive state funding through the "Public School Finance Act of
24 ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22, and that is supported in whole
25 or in part by tuition payments or private donations.

26 **SECTION 34.** In Colorado Revised Statutes, 22-30.5-104,
27 **amend** (6)(a) and (6)(c)(IV) as follows:

1 **22-30.5-104. Charter school - requirements - authority - rules**

2 **- definitions.** (6) (a) Pursuant to contract, a charter school may operate
3 free from specified school district policies and free from state rules ~~as~~
4 ~~provided in paragraph (b) of this subsection (6)~~ PURSUANT TO
5 SUBSECTION (6)(b) OF THIS SECTION. Pursuant to contract, a local board
6 of education may waive locally imposed school district requirements,
7 without seeking approval of the state board; except that a charter school
8 shall not, by contract or otherwise, operate free of the requirements
9 contained in the "Public School Finance Act of ~~1994~~ 2025", article 54 of
10 this ~~title~~ TITLE 22, the requirements specified in part 4 of article 11 of this
11 ~~title~~ TITLE 22 concerning school accountability committees, or the
12 requirements contained in the "Children's Internet Protection Act", article
13 87 of this ~~title~~ TITLE 22.

14 (c) A school district, on behalf of a charter school, may apply to
15 the state board for a waiver of a state statute or state rule that is not an
16 automatic waiver. Notwithstanding any provision of this subsection (6)
17 to the contrary, the state board may not waive any statute or rule relating
18 to:

19 (IV) The "Public School Finance Act of ~~1994~~ 2025", article 54 of
20 this title 22;

21 **SECTION 35.** In Colorado Revised Statutes, 22-30.5-112,
22 **amend** (1)(a)(II), (2)(a.5)(II), (2)(a.5)(II.5), and (2)(e)(II)(B) as follows:

23 **22-30.5-112. Charter schools - financing - guidelines -**
24 **definitions.** (1) (a) (II) ~~On and after July 1, 2023,~~ For purposes of the
25 "Public School Finance Act of ~~1994~~ 2025", article 54 of this title 22,
26 pupils enrolled in a charter school are included in the pupil enrollment or
27 the online pupil enrollment, whichever is applicable, of the school district

1 that granted its charter. The school district that granted its charter shall
2 report to the department the number of pupils included in the school
3 district's pupil enrollment and the school district's online pupil enrollment
4 that are actually enrolled in each charter school.

5 (2) (a.5) As used in this subsection (2):

6 (II) "District per pupil revenues" means the district's total program
7 as defined in section 22-54-103 (6) for any budget year divided by the
8 district's funded pupil count as ~~defined in section 22-54-103 (7) for said~~
9 DETERMINED BY ARTICLE 54 OF THIS TITLE 22 FOR THE APPLICABLE budget
10 year.

11 (II.5) "District per pupil online funding" means a school district's
12 online funding, as ~~specified in section 22-54-104 (4.5)~~ DETERMINED BY
13 ARTICLE 54 OF THIS TITLE 22, divided by the district's online pupil
14 enrollment for any budget year.

15 (2) (e) (II) (B) Notwithstanding the provisions of subsection
16 (2)(e)(II)(A) of this section, ~~to the contrary~~ if the general assembly
17 amends the "Public School Finance Act of ~~1994~~ 2025", article 54 of this
18 title 22, to count a student enrolled in kindergarten only as a half-day
19 pupil, with or without the addition of supplemental kindergarten
20 enrollment as defined in section 22-54-103 (15) for purposes of
21 calculating the funded pupil count as ~~defined in section 22-54-103 (7)~~
22 DETERMINED BY ARTICLE 54 OF THIS TITLE 22, a charter school may charge
23 the student's parents tuition or a fee for the portion of the school day for
24 which it does not receive funding for the student pursuant to the "Public
25 School Finance Act of ~~1994~~ 2025"; except that the amount of tuition or
26 fee charged ~~shall~~ MUST not exceed the amount of tuition or fee that the
27 charter school charged to attend a full-day kindergarten educational

1 program for the 2018-19 budget year, adjusted for inflation and prorated
2 by the percentage of the school day for which the student is no longer
3 funded by the "Public School Finance Act of ~~1994~~ 2025". As used in this
4 subsection (2)(e)(II)(B), "inflation" means the annual percentage change
5 in the United States department of labor bureau of labor statistics
6 consumer price index for Denver-Aurora-Lakewood for all items paid by
7 all urban consumers, or its applicable successor index.

8 **SECTION 36.** In Colorado Revised Statutes, 22-30.5-112.1,
9 **amend** (1)(b), (1)(g), (1)(i), and (1)(j.2) as follows:

10 **22-30.5-112.1. Charter schools - exclusive jurisdiction districts**
11 **- authorized on or after July 1, 2004 - financing - definitions.** (1) As
12 used in this section, unless the context otherwise requires:

13 (b) "At-risk funding" means the amount of funding determined in
14 accordance with the ~~formulas described in section 22-54-104 (4)~~
15 APPLICABLE AT-RISK FUNDING FORMULA PURSUANT TO ARTICLE 54 OF THIS
16 TITLE 22.

17 (g) "District funded pupil count" ~~shall have the same meaning as~~
18 ~~provided in section 22-54-103 (7)~~ MEANS THE FUNDED PUPIL COUNT
19 DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

20 (i) "District per pupil online funding" means a school district's
21 online funding, ~~as specified in section 22-54-104 (4.5)~~ AS DETERMINED
22 IN ARTICLE 54 OF THIS TITLE 22, divided by the district's online pupil
23 enrollment for any budget year.

24 (j.2) "English language learner funding" means the amount of
25 funding determined in accordance with the ~~formula described in section~~
26 ~~22-54-104 (4.3)~~ APPLICABLE ENGLISH LANGUAGE LEARNER FUNDING
27 FORMULA PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

1 **SECTION 37.** In Colorado Revised Statutes, 22-30.5-507,
2 **amend** (7)(b)(IV) as follows:

3 **22-30.5-507. Institute charter school - requirements -**
4 **authority - rules - definitions.** (7) (b) An institute charter school may
5 apply to the state board, through the institute, for a waiver of state statutes
6 and state rules that are not automatic waivers. The state board may waive
7 state statutory requirements or rules promulgated by the state board;
8 except that the state board may not waive any statute or rule relating to:

9 (IV) The provisions of the "Public School Finance Act of ~~1994~~
10 2025", article 54 of this title 22;

11 **SECTION 38.** In Colorado Revised Statutes, 22-30.5-513,
12 **amend** (1)(c), (1)(d.2), (1)(e), (1)(g), (2)(e)(II), and (3)(b) as follows:

13 **22-30.5-513. Institute charter schools - funding - at-risk**
14 **supplemental aid - legislative declaration - definitions.** (1) As used in
15 this section, unless the context otherwise requires:

16 (c) "Accounting district's at-risk funding" means the amount of
17 funding for at-risk pupils in the accounting district determined in
18 accordance with the ~~formulas~~ APPLICABLE AT-RISK FUNDING FORMULA
19 described ~~in section 22-54-104 (4)~~ PURSUANT TO ARTICLE 54 OF THIS
20 TITLE 22.

21 (d.2) "Accounting district's English language learner funding"
22 means the amount of funding for English language learner pupils in the
23 accounting district determined in accordance with the APPLICABLE
24 ENGLISH LANGUAGE LEARNER FUNDING formula described ~~in section~~
25 ~~22-54-104 (4.3)~~ PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

26 (e) "Accounting district's funded pupil count" ~~shall have the same~~
27 ~~meaning as the term "district funded pupil count" defined in section~~

1 ~~22-54-103 (7)~~ MEANS THE FUNDED PUPIL COUNT DETERMINED PURSUANT
2 TO ARTICLE 54 OF THIS TITLE 22.

3 (g) "Accounting district's per pupil online funding" means THE
4 online funding ~~as specified in section 22-54-104 (4.5)~~, FORMULA
5 DESCRIBED PURSUANT TO ARTICLE 54 OF THIS TITLE 22 for any budget year
6 divided by the online pupil enrollment.

7 (2) (e) (II) Notwithstanding the provisions of subsection (2)(e)(I)
8 of this section to the contrary, if the general assembly amends the "Public
9 School Finance Act of ~~1994~~ 2025", article 54 of this title 22, to count a
10 student enrolled in kindergarten only as a half-day pupil, with or without
11 the addition of supplemental kindergarten enrollment as defined in
12 section 22-54-103 (15) for purposes of calculating the funded pupil count
13 as ~~defined in section 22-54-103 (7)~~ DETERMINED PURSUANT TO ARTICLE
14 54 OF THIS TITLE 22, an institute charter school may charge the student's
15 parents tuition or a fee for the portion of the school day for which it does
16 not receive funding for the student pursuant to the "Public School Finance
17 Act of ~~1994~~ 2025"; except that the amount of tuition or fee charged ~~shall~~
18 MUST not exceed the amount of tuition or fee that the institute charter
19 school charged to attend a full-day kindergarten educational program for
20 the 2018-19 budget year, adjusted for inflation and prorated by the
21 percentage of the school day for which the student is no longer funded by
22 the "Public School Finance Act of ~~1994~~ 2025". As used in this subsection
23 (2)(e)(II), "inflation" means the annual percentage change in the United
24 States department of labor bureau of labor statistics consumer price index
25 for Denver-Aurora-Lakewood for all items paid by all urban consumers,
26 or its applicable successor index.

27 (3) (b) For purposes of the "Public School Finance Act of ~~1994~~

1 2025", article 54 of this ~~title~~ TITLE 22, the department shall add the pupils
2 enrolled in an institute charter school to the funded pupil count and the
3 online pupil enrollment of the institute charter school's accounting
4 district.

5 **SECTION 39.** In Colorado Revised Statutes, 22-30.5-513.1,
6 **amend** (2)(b) as follows:

7 **22-30.5-513.1. Mill levy equalization - fund created -**
8 **legislative declaration - definitions.** (2) (b) The institute shall annually
9 distribute the money appropriated or transferred to the fund to the
10 institute charter schools on an equal per-pupil basis; except that, in any
11 budget year, an institute charter school ~~shall~~ **MUST** not receive a per pupil
12 amount that is greater than the total amount of additional mill levy
13 revenue, as defined in section 22-32-108.5, that the accounting district for
14 the institute charter school is authorized to collect, divided by the funded
15 pupil count, as ~~defined in section 22-54-103~~ DETERMINED PURSUANT TO
16 ARTICLE 54 OF THIS TITLE 22, of the accounting district for the applicable
17 budget year. The money distributed pursuant to this section is in addition
18 to money distributed to institute charter schools pursuant to section
19 22-30.5-513. The institute has continuous spending authority over all
20 interest and income in the fund.

21 **SECTION 40.** In Colorado Revised Statutes, 22-30.7-107,
22 **amend** (2) introductory portion and (2)(b) as follows:

23 **22-30.7-107. Funding.** (2) ~~For the 2008-09 budget year, and for~~
24 ~~each budget year thereafter,~~ For purposes of determining total program
25 funding pursuant to article 54 of this ~~title~~ TITLE 22:

26 (b) (I) A school district that is providing a multi-district online
27 school, or a school district in which a district charter school is providing

1 a multi-district online school, shall include each student who is enrolled
2 in the multi-district online school as of the pupil enrollment count day of
3 the applicable budget year in the school district's online pupil enrollment
4 for the applicable budget year and ~~shall~~ MUST receive online funding as
5 specified in ~~section 22-54-104 (4.5)~~ ARTICLE 54 OF THIS TITLE 22.

6 (II) An institute charter school that is providing a multi-district
7 online school shall include each student who is enrolled in the
8 multi-district online school as of the pupil enrollment count day of the
9 applicable budget year in the institute charter school's online enrollment
10 for the applicable budget year and ~~shall~~ MUST receive online funding as
11 specified in ~~section 22-54-104 (4.5)~~ ARTICLE 54 OF THIS TITLE 22.

12 **SECTION 41.** In Colorado Revised Statutes, 22-32-108.5,
13 **amend** (2)(g) as follows:

14 **22-32-108.5. Board of education - distribution of additional**
15 **mill levy revenue - legislative declaration - definitions.** (2) As used in
16 this section, unless the context otherwise requires:

17 (g) "Per pupil mill levy share" means an amount equal to the total
18 amount of additional mill levy revenue that a participating school district
19 collects for a budget year divided by the school district's funded pupil
20 count, as ~~defined in section 22-54-103~~ DETERMINED PURSUANT TO
21 ARTICLE 54 OF THIS TITLE 22, for that budget year.

22 **SECTION 42.** In Colorado Revised Statutes, 22-32-119, **amend**
23 (1)(b) as follows:

24 **22-32-119. Kindergartens - definition.** (1)(b) Notwithstanding
25 the provisions of subsection (1)(a) of this section to the contrary, if the
26 general assembly amends the "Public School Finance Act of ~~1994~~ 2025",
27 article 54 of this title 22, to count a student enrolled in kindergarten only

1 as a half-day pupil, with or without the addition of supplemental
2 kindergarten enrollment as defined in section 22-54-103 (15) for purposes
3 of calculating the funded pupil count as ~~defined in section 22-54-103 (7)~~
4 DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22, a school district
5 may charge the student's parents tuition or a fee for the portion of the
6 school day for which it does not receive funding for the student pursuant
7 to the "Public School Finance Act of ~~1994~~ 2025"; except that the amount
8 of tuition or fee charged ~~shall~~ MUST not exceed the amount of tuition or
9 fee that the school district charged to attend a full-day kindergarten
10 educational program for the 2018-19 budget year, adjusted for inflation
11 and prorated by the percentage of the school day for which the student is
12 no longer funded by the "Public School Finance Act of ~~1994~~ 2025". As
13 used in this subsection (1)(b), "inflation" means the annual percentage
14 change in the United States department of labor bureau of labor statistics
15 consumer price index for Denver-Aurora-Lakewood for all items paid by
16 all urban consumers, or its applicable successor index.

17 **SECTION 43.** In Colorado Revised Statutes, 22-32-141, **amend**
18 (4)(a) as follows:

19 **22-32-141. Student awaiting trial as adult - educational**
20 **services - definitions.** (4) (a) In any budget year in which a school
21 district is providing educational services to a juvenile pursuant to this
22 section on the pupil enrollment count day of ~~said~~ THE budget year, the
23 school district may include the juvenile in its pupil enrollment, as defined
24 in section 22-54-103 (10), for purposes of determining the school
25 district's total program funding under the "Public School Finance Act of
26 ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22.

27 **SECTION 44.** In Colorado Revised Statutes, 22-32.5-108,

1 **amend** (3)(a) as follows:

2 **22-32.5-108. District of innovation - waiver of statutory and**
3 **regulatory requirements.** (3) Designation as a district of innovation
4 ~~shall~~ MUST not affect a school district's:

5 (a) Total program funding calculated pursuant to the "Public
6 School Finance Act of ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22; or

7 **SECTION 45.** In Colorado Revised Statutes, 22-33-104.5,
8 **amend** (6)(a) as follows:

9 **22-33-104.5. Home-based education - guidelines - legislative**
10 **declaration - definitions.** (6) (a) If a child is participating in a nonpublic
11 home-based educational program but also attending a public school for
12 a portion of the school day, the school district of the public school ~~shall~~
13 ~~be entitled to~~ MAY count ~~such~~ THE child in accordance with the provisions
14 of section 22-54-103 (10) for purposes of determining pupil enrollment
15 ~~under~~ PURSUANT TO the "Public School Finance Act of ~~1994~~ 2025",
16 article 54 of this ~~title~~ TITLE 22.

17 **SECTION 46.** In Colorado Revised Statutes, 22-35-105, **amend**
18 (2) introductory portion and (2)(a) as follows:

19 **22-35-105. Financial provisions - payment of tuition.** (2) If a
20 qualified student concurrently enrolls in a course offered by an institution
21 of higher education, the institution ~~shall be~~ IS responsible for course
22 content, placement of the student in the course, and the quality of
23 instruction. In addition, because the qualified student is receiving
24 academic credit at ~~his or her~~ THE QUALIFIED STUDENT'S local education
25 provider for the course pursuant to section 22-35-104 (5):

26 (a) The qualified student ~~shall be~~ IS included in the funded pupil
27 count of ~~his or her~~ THE STUDENT'S school district or, in the case of a

1 student enrolled in an institute charter school, of the school's accounting
2 district, as determined pursuant to ~~the provisions of section 22-54-103 (7)~~
3 ARTICLE 54 OF THIS TITLE 22; and

4 **SECTION 47.** In Colorado Revised Statutes, 22-35-108, **amend**
5 (3) as follows:

6 **22-35-108. Accelerating students through concurrent**
7 **enrollment program - objectives - non-tuition expenses - rules.** (3) A
8 local education provider may include each qualified student whom the
9 local education provider designates to participate in the ASCENT
10 program pursuant to this section in the district's funded pupil count, or,
11 in the case of a qualified student enrolled in an institute charter school, in
12 the funded pupil count of the school's accounting district, as ~~provided in~~
13 ~~section 22-54-103 (7)~~ DETERMINED PURSUANT TO ARTICLE 54 OF THIS
14 TITLE 22.

15 **SECTION 48.** In Colorado Revised Statutes, 22-35-108.5,
16 **amend** (3)(a) and (3)(b) as follows:

17 **22-35-108.5. Teacher recruitment education and preparation**
18 **(TREP) program - objectives - selection criteria - rules.** (3) (a) The
19 local education provider that enrolls a qualified student who is designated
20 by the department as a TREP program participant may include the student
21 in the school district's funded pupil count, or, in the case of a student
22 enrolled in an institute charter school, in the funded pupil count of the
23 institute charter school's accounting district as ~~provided in section~~
24 ~~22-54-103 (7)~~ DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

25 (b) A local education provider that receives extended high school
26 funding, as described in ~~section 22-54-104 (4.7)~~ ARTICLE 54 OF THIS TITLE
27 22, in a budget year for program participants may expend the funding on

1 behalf of TREP program participants who enroll in an institution of
2 higher education during that budget year and on behalf of the TREP
3 program participants who, by May 1 of that budget year, are admitted to
4 an institution of higher education to participate in the TREP program
5 during the next budget year.

6 **SECTION 49.** In Colorado Revised Statutes, 22-35-111, **amend**
7 (2) as follows:

8 **22-35-111. Rules.** (2) ~~By July 1, 2020,~~ The state board shall
9 adopt rules to specify the number of postsecondary credits in which a
10 qualified student must be concurrently enrolled to qualify for full-time
11 membership for purposes of the "Public School Finance Act of ~~1994~~
12 2025", article 54 of this title 22.

13 **SECTION 50.** In Colorado Revised Statutes, 22-35.3-102,
14 **amend** (8) as follows:

15 **22-35.3-102. Definitions.** As used in this article 35.3, unless the
16 context otherwise requires:

17 (8) "Funded pupil count" ~~has the same meaning as provided in~~
18 ~~section 22-54-103 (7)~~ MEANS THE FUNDED PUPIL COUNT AS DETERMINED
19 PURSUANT TO ARTICLE 54 OF THIS TITLE 22.

20 **SECTION 51.** In Colorado Revised Statutes, 22-35.3-104,
21 **amend** (1)(a) as follows:

22 **22-35.3-104. P-tech schools - funding.** (1) (a) To calculate
23 district total program pursuant to ~~section 22-54-104~~ ARTICLE 54 OF THIS
24 TITLE 22, a school district that is approved to operate a p-tech school
25 pursuant to section 22-35.3-103, including a p-tech school that is a district
26 charter school, may include the students who are enrolled in grades nine
27 through twelve in the p-tech school in the school district's pupil

1 enrollment, as defined in section 22-54-103 (10), and may include the
2 students who are enrolled in grades thirteen and fourteen in the p-tech
3 school in the school district's district extended high school pupil
4 enrollment.

5 **SECTION 52.** In Colorado Revised Statutes, 22-35.6-103,
6 **amend** (1) as follows:

7 **22-35.6-103. High school innovative learning pilot program -**
8 **created - rules.** (1) There is created in the department the high school
9 innovative learning pilot program to authorize full-time funding for
10 students enrolled in grades nine through twelve in high schools operated
11 by selected local education providers to enable the local education
12 providers to provide innovative learning opportunities for high school
13 students to support them in successful transitions from high school to
14 postsecondary education or the workforce. The department shall
15 administer the pilot program by reviewing applications and selecting the
16 local education providers that propose an innovative learning plan that
17 meets the requirements specified in section 22-35.6-104 and is designed
18 to ensure that students enrolled in grades nine through twelve may
19 participate in innovative learning opportunities before graduation. A local
20 education provider that is selected to participate in the pilot program is
21 authorized to count students who are enrolled in grades nine through
22 twelve and are participating in innovative learning opportunities as
23 full-time pupils for purposes of the "Public School Finance Act of ~~1994~~
24 2025", article 54 of this title 22, regardless of the actual number of
25 teacher-pupil instruction hours and teacher-pupil contact hours for each
26 pupil.

27 **SECTION 53.** In Colorado Revised Statutes, 22-40-102, **amend**

1 (1.7)(a) and (6)(a) as follows:

2 **22-40-102. Certification - tax revenues - repeal.** (1.7) (a) The
3 board of education of any school district, at the regular biennial election
4 for school district directors or on the dates authorized by section
5 22-54-108 for elections for additional local property tax revenues under
6 the "Public School Finance Act of ~~1994~~ 2025" shall submit to the eligible
7 electors of the district the question of whether to impose a mill levy for
8 the payment of excess transportation costs. If a majority of the votes cast
9 at ~~any such~~ THE election are in favor of the question, an additional mill
10 levy ~~shall be~~ IS levied each year, and revenues received ~~therefrom shall~~
11 MUST be deposited into the transportation fund of the district created in
12 section 22-45-103 (1)(f).

13 (6) (a) Each school district, with ~~such~~ assistance as may be
14 required from the department of education, shall inform the county
15 treasurer for each county within the district's boundaries no later than
16 December 15 of each year of ~~said~~ THE district's general fund mill levy in
17 the absence of funds estimated to be received by ~~said~~ THE district
18 pursuant to the "Public School Finance Act of ~~1994~~ 2025", article 54 of
19 this title 22, and the estimated funds to be received for the general fund
20 of the district from the state.

21 **SECTION 54.** In Colorado Revised Statutes, 22-43.7-201,
22 **amend** (4)(a)(II)(A) as follows:

23 **22-43.7-201. Full-day kindergarten facility capital**
24 **construction fund - creation - grants - definitions.** (4) (a) As used in
25 this subsection (4), unless the context otherwise requires:

26 (II) "Equitable adjustment factor" means, with respect to both an
27 applicant and a potential applicant that does not actually apply for a grant

1 as authorized by this subsection (4), the sum of the applicant's:

2 (A) Size factor, as determined pursuant to ~~section 22-54-104~~
3 ~~(5)(b)(1.5)~~ ARTICLE 54 OF THIS TITLE 22;

4 **SECTION 55.** In Colorado Revised Statutes, **amend** 22-52-107
5 as follows:

6 **22-52-107. Funding of second chance program.** ~~It is the intent~~
7 ~~of the general assembly that, after the initial appropriation made to the~~
8 ~~department of education for the fiscal year beginning July 1, 1985, The~~
9 responsibilities and duties specified in this article ~~shall~~ **MUST** be
10 performed by the department of education and the participating school
11 districts through the funding available pursuant to the "Public School
12 Finance Act of ~~1994~~ 2025", article 54 of this ~~title~~ TITLE 22.

13 **SECTION 56.** In Colorado Revised Statutes, 22-55-102, **amend**
14 (14) and (18) as follows:

15 **22-55-102. Definitions.** As used in this article 55, unless the
16 context otherwise requires:

17 (14) "Statewide base per pupil funding" means the amount
18 specified for each budget year in ~~section 22-54-104 (5)(a)~~ ARTICLE 54 OF
19 THIS TITLE 22.

20 (18) "Total program" or "total program education funding" means
21 a district's total program as determined pursuant to ~~section 22-54-104 (1)~~
22 ARTICLE 54 OF THIS TITLE 22.

23 **SECTION 57.** In Colorado Revised Statutes, 22-55-104, **amend**
24 (3) introductory portion as follows:

25 **22-55-104. Procedures relating to state education fund**
26 **revenue estimates - legislative declaration.** (3) ~~By February 1, 2002,~~
27 ~~and by each February 1 thereafter,~~ ON OR BEFORE EACH FEBRUARY 1, the

1 ~~staff of the~~ legislative council STAFF OF THE GENERAL ASSEMBLY, in
2 consultation with the state auditor, the office of state planning and
3 budgeting, the state treasurer, the department of education, and the joint
4 budget committee, shall cause to be conducted a review of the model used
5 to forecast revenues in and expenditures from the fund and the spending
6 requirements of the "Public School Finance Act of ~~1994~~ 2025", article 54
7 of this ~~title~~ TITLE 22. Copies of the review ~~shall~~ MUST promptly be
8 transmitted to the joint budget committee, and the office of state planning
9 and budgeting, and the education committees of the senate and the house
10 of representatives. The review ~~shall~~ MUST include, but need not be limited
11 to, the following:

12 **SECTION 58.** In Colorado Revised Statutes, 22-55-106, **amend**
13 (2) as follows:

14 **22-55-106. Statewide base per pupil funding - increases.**

15 (2) The general assembly may annually appropriate ~~moneys~~ MONEY in
16 the state education fund, the general fund, any other state fund, or some
17 combination thereof, as necessary in the sole discretion of the general
18 assembly, to satisfy the requirements of subsection (1) of this section, and
19 ~~such moneys shall~~ THE MONEY MUST be distributed to public school
20 districts and the state charter school institute in accordance with the
21 provisions of the "Public School Finance Act of ~~1994~~ 2025", article 54 of
22 this ~~title~~ TITLE 22.

23 **SECTION 59.** In Colorado Revised Statutes, 24-77-104.5,
24 **amend** (3)(a)(I) as follows:

25 **24-77-104.5. General fund exempt account - referendum C**
26 **money - specification of uses for health care and education -**
27 **definitions.** (3) (a) Funding for preschool through twelfth grade

1 education, as used in subparagraph (II) of paragraph (b) of subsection (1)
2 SUBSECTION (1)(b)(II) of this section, shall be IS limited to funding for:

3 (I) Per-pupil funding for preschool through twelfth grade
4 education through the "Public School Finance Act of ~~1994~~ 2025", article
5 54 of title 22, ~~C.R.S.~~ or any successor act;

6 **SECTION 60.** In Colorado Revised Statutes, 25.5-10-206,
7 **amend as it will become effective July 1, 2024,** (7)(b) as follows:

8 **25.5-10-206. Authorized long-term services and supports -**
9 **conditions of funding - purchase of services and supports - adult**
10 **protective services data system check - boards of county**
11 **commissioners - appropriation.** (7) (b) Each school district shall pay
12 to the case management agency purchasing programs attended by a
13 student with an intellectual and developmental disability, who is
14 domiciled in the school district and may be counted in the district's pupil
15 enrollment, an amount at least equal to the district's per pupil revenues as
16 determined pursuant to the "Public School Finance Act of ~~1994~~ 2025",
17 article 54 of title 22. This subsection (7) applies to students who are less
18 than twenty-two years of age.

19 **SECTION 61.** In Colorado Revised Statutes, 26.5-4-202, **amend**
20 **(2)(a)(I)** as follows:

21 **26.5-4-202. Legislative declaration.** (2) (a) The general
22 assembly further finds and declares that:

23 (I) In 2000, the voters approved section 17 of article IX of the
24 state constitution, which requires the general assembly to annually
25 increase, by at least the rate of inflation, the statewide base per pupil
26 funding, as defined by the "~~Public School Finance Act of 1994~~", article
27 54 of title 22, for public education from preschool through twelfth grade;

1 **SECTION 62.** In Colorado Revised Statutes, 26.5-4-208, **amend**
2 (6)(b) as follows:

3 **26.5-4-208. Preschool provider funding - per-child rates - local**
4 **contribution - distribution and use of money - definitions - repeal.**

5 (6) As used in this section, unless the context otherwise requires:

6 (b) "Funded pupil count" ~~has the same meaning as provided in~~
7 ~~section 22-54-103~~ MEANS THE FUNDED PUPIL COUNT AS DETERMINED
8 PURSUANT TO ARTICLE 54 OF TITLE 22.

9 **SECTION 63.** In Colorado Revised Statutes, 34-63-102, **amend**
10 (5.4) introductory portion and (5.4)(e)(III) as follows:

11 **34-63-102. Creation of mineral leasing fund - distribution -**
12 **advisory committee - local government permanent fund created -**
13 **transfer of money - definitions.** (5.4) Except as otherwise provided in
14 subsection (5.5) of this section, on and after July 1, 2008, all ~~moneys~~
15 MONEY other than bonus payments, as defined in ~~paragraph (b) of~~
16 ~~subsection (5.3)~~ SUBSECTION (5.3)(b) of this section, credited to the
17 mineral leasing fund created in ~~subparagraph (H) of paragraph (a) of~~
18 ~~subsection (1)~~ SUBSECTION (1)(a)(II) of this section ~~shall~~ MUST be
19 distributed on a quarterly basis for quarters beginning on July 1, October
20 1, January 1, and April 1 of each state fiscal year as follows:

21 (e) (III) The executive director of the department of local affairs
22 shall make the distributions required by ~~subparagraphs (I) and (H) of this~~
23 ~~paragraph (e)~~ SUBSECTIONS (5)(e)(I) AND (5)(e)(II) OF THIS SECTION at the
24 same time as the executive director makes distributions to counties
25 pursuant to ~~paragraph (c) of this subsection (5.4)~~ SUBSECTION (5.4)(c) OF
26 THIS SECTION, and the total amount of the distributions made to all school
27 districts within a single county ~~shall~~ MUST be in proportion to the amount

1 of the ~~moneys~~ MONEY distributed directly to the county pursuant to ~~said~~
2 ~~paragraph (c)~~ SUBSECTION (5.4)(c) OF THIS SECTION. Where more than one
3 school district exists within a county, the distribution to each school
4 district ~~shall~~ MUST be the percentage that the most recent funded pupil
5 count, as determined pursuant to the "Public School Finance Act of ~~1994~~
6 2025", article 54 of title 22, ~~C.R.S.~~ for pupils enrolled in the county
7 attributable to that school district bears to the most recent total funded
8 pupil count for all pupils attributable to the county.

9 **SECTION 64.** In Colorado Revised Statutes, 39-5-132, **amend**
10 (5) as follows:

11 **39-5-132. Assessment and taxation of new construction.**

12 (5) ~~Moneys~~ MONEY received by a school district pursuant to this section
13 ~~shall~~ MUST be deposited in the district's capital reserve fund and ~~shall~~
14 MUST not be included in calculating the amount of revenue ~~which~~ THAT
15 a district is entitled to receive from the property tax levy for the general
16 fund of the district under the "Public School Finance Act of ~~1994~~ 2025",
17 article 54 of title 22. ~~C.R.S.~~

18 **SECTION 65.** In Colorado Revised Statutes, 39-10-103, **amend**
19 (2) as follows:

20 **39-10-103. Tax statement - repeal.** (2) Each tax notice ~~shall~~
21 MUST contain information regarding the actual school district general
22 fund mill levy and the school district general fund mill levy in absence of
23 funds estimated to be received by school districts pursuant to the "Public
24 School Finance Act of ~~1994~~ 2025", article 54 of title 22, and the
25 estimated funds to be received for the general funds of districts from the
26 state.

27 **SECTION 66.** In Colorado Revised Statutes, 39-10-114, **amend**

1 (1)(a)(I)(B) as follows:

2 **39-10-114. Abatement - cancellation of taxes.**

3 (1) (a) (I) (B) The assessor shall certify the proportional amount of the
4 total amount of abatements and refunds granted pursuant to the provisions
5 of this section to the appropriate taxing entities at the same time ~~that~~ AS
6 the certification of valuation for assessment ~~is made~~ pursuant to ~~the~~
7 ~~provisions of~~ section 39-5-128. Any taxing entity may adjust the amount
8 of its tax levy authorized pursuant to the provisions of section 29-1-301
9 ~~€:R:S:~~ by an additional amount ~~which~~ THAT does not exceed the
10 proportional share of the total amount of abatements and refunds made
11 pursuant to ~~the provisions of~~ this section. After calculating the amount of
12 property tax revenues necessary to satisfy the requirements of the "Public
13 School Finance Act of ~~1994~~ 2025", article 54 of title 22, ~~€:R:S:~~ any
14 school district shall add an amount equal to the proportional share of the
15 total amount of abatements and refunds granted pursuant to the provisions
16 of this section prior to the setting of the mill levy for such school district.
17 Any additional amount added pursuant to the provisions of this subsection
18 (1) ~~shall~~ MUST not be included in the total amount of revenue levied in
19 ~~said~~ THE year for the purposes of computing the limit for the succeeding
20 year pursuant to the provisions of section 29-1-301. ~~€:R:S. Where~~ WHEN
21 a final determination is made granting an abatement or refund pursuant
22 to the provisions of this section, the abatement or refund granted ~~shall~~
23 MUST be payable at such time as determined by the board of county
24 commissioners after consultation with affected taxing entities but no later
25 than upon the payment of property taxes for the property tax year in
26 which ~~said~~ THE final determination was made. For the purposes of this
27 ~~sub-subparagraph (B)~~ SUBSECTION (1)(a)(I)(B), a taxing entity's

1 proportional share of the total amount of abatements and refunds granted
2 ~~shall~~ MUST be based upon the amount of tax levied by a taxing entity on
3 ~~such~~ THE real property in proportion to the total amount of tax levied on
4 ~~such~~ THE real property by such taxing entities.

5 **SECTION 67.** In Colorado Revised Statutes, 43-4-502, **amend**
6 (2) as follows:

7 **43-4-502. Legislative declaration.** (2) It is further the intent of
8 the general assembly that no provision of this part 5 ~~shall affect~~ AFFECTS
9 the FORMER "Public School Finance Act of 1973", article 50 of title 22,
10 ~~C.R.S.~~ the FORMER "Public School Finance Act of 1988", article 53 of
11 title 22, ~~C.R.S.~~ the FORMER "Public School Finance Act of 1994", article
12 54 of title 22, ~~C.R.S.~~ THE "PUBLIC SCHOOL FINANCE ACT OF 2025,
13 ARTICLE 54 OF TITLE 22, or any additional school financing mechanisms
14 adopted by the general assembly.

15 **SECTION 68. Appropriation.** For the 2024-25 state fiscal year,
16 \$184,433 is appropriated to the department of education. This
17 appropriation is from the general fund and is based on an assumption that
18 the division will require an additional 1.8 FTE. To implement this act, the
19 department may use this appropriation for administration related to public
20 school finance.

21 **SECTION 69. Appropriation.** For the 2024-25 state fiscal year,
22 \$11,500,000 is appropriated to the department of education. This
23 appropriation is from the charter school facilities assistance account, an
24 account within the public school capital construction assistance fund,
25 created in section 22-43.7-104 (2)(d), C.R.S. To implement this act, the
26 department may use this appropriation for state aid for charter school
27 facilities.

1 **SECTION 70. Appropriation - adjustments to 2024 long bill.**

2 (1) To implement this act, appropriations made in the annual general
3 appropriation act for the 2024-25 state fiscal year to the department of
4 education are adjusted as follows:

5 (a) The cash funds appropriation from the state public school fund
6 created in section 22-54-114 (1), C.R.S., estimated to be from interest and
7 income earned on the investment of money in the public school fund that
8 is credited to the state public school fund pursuant to section 22-41-102
9 (3)(h), C.R.S., for the state share of districts' total program funding is
10 decreased by \$5,000,000; and

11 (b) The cash funds appropriation from the state public school fund
12 created in section 22-54-114 (1) C.R.S., from interest and income earned
13 on the investment of money in the public school fund that is credited to
14 the state public school fund pursuant to section 22-41-102 (3)(h), C.R.S.,
15 for at-risk per pupil additional funding is decreased by \$5,000,000.

16 (2) For the 2024-25 state fiscal year, \$10,000,000 is appropriated
17 to the department of education. This appropriation is from the state
18 education fund created in section 17 (4)(a) of article IX of the state
19 constitution. To implement this act, the department may use this
20 appropriation as follows:

21 (a) \$5,000,000 for the state share of districts' total program
22 funding; and

23 (b) \$5,000,000 for at-risk per pupil additional funding.

24 **SECTION 71. Appropriation.** (1) For the 2024-25 state fiscal
25 year, \$32,875 is appropriated to the legislative department. This
26 appropriation is from the general fund. To implement this act, the
27 department may use this appropriation as follows:

- 1 (a) \$2,359 for use by the general assembly;
- 2 (b) \$22,047 for use by the legislative council, which amount is
3 based on an assumption that the legislative council will require an
4 additional 0.3 FTE; and
- 5 (c) \$8,469 for the committee on legal services, which amount is
6 based on an assumption that the committee will require an additional 0.1
7 FTE.

8 **SECTION 72. Safety clause.** The general assembly finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety or for appropriations for
11 the support and maintenance of the departments of the state and state
12 institutions.